

CITATIONS FROM COMMENTS RECEIVED BY THE DELTA STEWARDSHIP COUNCIL BETWEEN MARCH AND AUGUST 2010

The following matrices include direct citations from comments received by the Delta Stewardship Council (Council) between March and August 2010. The citations are directly from letters and emails, and were not corrected for misspellings or grammar. Many comments were excerpted due to the length of the comment. All of the letters and emails are located on the Council website. The comments were placed into eleven categories, as summarized below. Several comments occur in several categories.

Many of the comments were used in development of the Interim Plan. However, these matrices do not include discussions of how the comments were specifically used. It is anticipated that comments submitted on the Interim Plan preparation also will be reviewed in the development of the Delta Plan.

Table of Matrices

Matrix 1	List of Comments	2
Matrix 2	Comments related to Interim Plan	5
Matrix 3	Comments related to Delta Plan	94
Matrix 4	Comments related to Early Actions	97
Matrix 5	Comments related to Administrative Procedures	112
Matrix 6	Comments related to Bay Delta Conservation Plan	117
Matrix 7	Comments related to Finance and Economics	123
Matrix 8	Comments related to Water Resources	127
Matrix 9	Comments related to Water Quality	139
Matrix 10	Comments related to Ecosystem Resources	144
Matrix 11	Comments related to the Delta Communities	154
Matrix 12	Comments related to Risk Reduction	159

Matrix 1 List of Comments

Association	Signator	Date
Antioch, City of	Harrington	May 12, 2010
Antioch, City of	Harrington	July 2, 2010
Antioch, City of	Harrington	July 19, 2010
Association of California Water Agencies	Quinn	May 12, 2010
Association of California Water Agencies	Quinn	July 2, 2010
The Bay Institute	Bobker	July 2, 2010
Bartkiewicz, Kronick, & Shanahan	Bezerra	May 28, 2010
Resident of Clarksburg	Bohl	April 7, 2010
Browns Valley ID, Folsom, Roseville, Sacramento Suburban WD, San Juan WD, Yolo County FCWCD, and Yuba County Wa	Bezzerra	July 19, 2010
Commenter	Burton	July 26, 2010
California Department of Fish and Game	Wilcox	May 12, 2010
California Department of Fish and Game	Wilcox	August 3, 2010
California Department of Water Resources	Cowin	July 2, 2010
California Department of Water Resources	Cowin	August 3, 2010
California Department of Transportation	Paras Sr.	August 2, 2010
California Central Valley Flood Control Association	Terry	August 3, 2010
California Farm Bureau	Frederickson	July 2, 2010
California Fisheries and Water Unlimited	Baiocchi	May 25, 2010
California Fisheries and Water Unlimited	Baiocchi	July 17, 2010
California Fisheries and Water Unlimited	Baiocchi	July 29, 2010
Central Delta Water Agency	Nomellini	August 3, 2010
Central Valley Joint Venture	Vink	July 30, 2010
Clarksburg Fire Protection District	Pruner	April 1, 2010
Coalition for a Sustainable Delta	Phillimore	May 12, 2010
Coalition for a Sustainable Delta	Phillimore	July 2, 2010
Coalition for a Sustainable Delta	Phillimore	July 19, 2010
Coalition for a Sustainable Delta	Phillimore	August 3, 2010
Contra Costa Council	Best	May 12, 2010
Contra Costa Board of Supervisors	Nejedly Piepho	May 12, 2010
Contra Costa County	Goetz	July 2, 2010
Contra Costa County	Goetz	July 30, 2010
Contra Costa County	Goetz	August 3, 2010
Contra Costa Water District	Gartrell	May 12, 2010
Contra Costa Water District	Gartrell	June 18, 2010
Contra Costa Water District	Gartrell	July 1, 2010
Contra Costa Water District	Gartrell	July 26, 2010
Resident of the Delta	Damion	April 15, 2010
Delta Area Mosquito Control Agencies	Stroh	June 29, 2010
Delta Area Mosquito Control Agencies	Stroh	August 3, 2010
Delta Counties Coalition	Nejedly Piepho	July 2, 2010
Delta Counties Coalition	Nejedly Piepho	July 30, 2010
Delta Diablo Sanitation District	Darling	August 2, 2010
Delta Protection Commission	Fiack	May 10, 2010
Delta Wetlands Project	Moran	May 12, 2010
Delta Wetlands Project	Moran	August 5, 2010
The Dolphin Group	Boccadoro	June 3, 2010
East Bay Municipal Utility District	Diemer	July 28, 2010
Environmental Defense Fund	Rosekrans	May 12, 2010
Glenn-Colusa Irrigation District	Bettner	May 12, 2010
Commenter	Gurney	May 11, 2010
Residents of Clarksburg	Hunn	April 13, 2010
Resident of Discovery Bay	Hunter	May 9, 2010
ICF International	Brown	May 12, 2010

Matrix 1 List of Comments

Association	Signator	Date
Ironhouse Sanitary District	Williams	May 18, 2010
Ironhouse Sanitary District	Williams	June 23, 2010
Ironhouse Sanitary District	Etzel	July 16, 2010
Ironhouse Sanitary District	Etzel	August 3, 2010
Commenter	Komylak	July 30, 2010
Resident of Discovery Bay	Lichtenberg	July 26, 2010
Resident of Delta	McCleery	May 8, 2010
Resident of Delta	McCleery	July 25, 2010
Resident RD 999	Merwin	July 1, 2310
Metropolitan Water District, Alameda County Water District, Contra Costa Water District, Santa Clara Valley Water District, and Zone 7 Water Agency	Mann	June 7, 2010
Resident of Bethel Island	Morse-Robertson	May 12, 2010
Mosquito and Vector Control Association of California	Davis	May 11, 2010
Natural Resources Defense Council	Nelson	May 12, 2010
Northern California Water Association	Zea	May 11, 2010
Northern California Water Association	Guy	July 1, 2010
Northern California Water Association	Guy	August 3, 2010
North Delta Water Agency	Terry	May 12, 2010
Planning and Conservation League	Minton	July 2, 2010
Planning and Conservation League	Minton	July 19, 2010
Port of West Sacramento	Lukes	August 2, 2010
Pro-Troll	Pool	July 2, 2010
Resident of Clarksburg	Pruner	July 19, 2010
Recreational Boaters of California	Sacks	July 8, 2010
Reclamation District No. 830	Nunn	May 14, 2010
Reclamation District 999	Meserve	May 12, 2010
Reclamation District 999	Meserve	July 2, 2010
Reclamation District 999	Meserve	August 3, 2010
Reclamation District 2068	Hardesty	May 12, 2010
River Islands at Lathrop	Dell'Osso	June 30, 2010
Commenter	Rozengurt	April 10, 2010
Commenter	Rozengurt	June 17, 2010
Commenter	Rozengurt	August 4, 2010
Regional Council of Rural Counties	Mannion	July 26, 2010
Restore the Delta	Wagner-Tyack	July 9, 2010
Sacramento, County of	DeVore	June 10, 2010
Sacramento, County of	DeVore	July 1, 2010
Sacramento, County of	DeVore	August 3, 2010
Sacramento Regional County Sanitation District	Dean	May 12, 2010
Sacramento Regional County Sanitation District	Mitchell	June 23, 2010
Sacramento Regional County Sanitation District	Dean	July 2, 2010
Sacramento Regional County Sanitation District	Dean	July 19, 2010
Sacramento Regional County Sanitation District	Dean	August 3, 2010
Sacramento County Farm Bureau	van Loben Sels	August 1, 2010
San Joaquin County	Villapuda	July 30, 2010
San Joaquin County FCWCD	Lytle, Ph.D.	July 2, 2010
Solano County	Vasquez	May 12, 2010
Solano County	Vasquez	July 1, 2010
Solano County	Vasquez	July 30, 2010
Solano County	Wolk	August 3, 2010
Snug Harbor Resorts	Suard	May 12, 2010
Snug Harbor Resorts	Suard	August 3, 2010
State & Federal Contractors Water Agency	Buck	May 12, 2010
State & Federal Contractors Water Agency	Buck	June 7, 2010

Matrix 1 List of Comments

Association	Signator	Date
State & Federal Contractors Water Agency	Buck	July 2, 2010
State & Federal Contractors Water Agency	Buck	July 19, 2010
State & Federal Contractors Water Agency	Buck	July 28, 2010
State & Federal Contractors Water Agency	Buck	July 28, 2010
State & Federal Contractors Water Agency	Buck	August 3, 2010
Stockton, City of	Madison	August 2, 2010
Suisun Resources Conservation District	Chappell	July 30, 2010
The Nature Conservancy	Winternitz	May 12, 2010
Resident of Discovery Bay	Twelker	May 10, 2010
U.S. Army Corps of Engineers	Tejada	May 12, 2010
U.S. Army Corps of Engineers	Tejada	August 3, 2010
U.S. Department of the Interior, Bureau of Reclamation	Glaser	August 3, 2010
Water4Fish	Pool	June 9, 2010
West Sacramento, City of	Ross	August 2, 2010
Resident of Fairfield	Wood	May 22, 2010
Yolo Basin Foundation	Kulukow	July 1, 2010
Yolo, County of	Blacklock	May 12, 2010
Yolo, County of	Leary	July 2, 2010
Yolo, County of	Blacklock	August 3, 2010
Yolo, County of	Blacklock	August 3, 2010

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Antioch, City of	May 12, 2010	How will the Interim Delta Plan and the Delta Plan ensure that the cumulative impacts are addressed in the environmental documents and do not result in improper segmentation of environmental analyses?
Antioch, City of	July 2, 2010	Antioch recommends that the Interim Plan...specify that the Delta was in fact historically fresher, and that the fresh water Delta extended much further to the west than present conditions.
Antioch, City of	July 2, 2010	Interim and final Delta Plans should recognize that the economy of the Delta is not just based on agriculture and legacy towns.
Antioch, City of	July 2, 2010	The Interim Plan should expand upon the concepts of relocating Delta drinking water intakes...
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page 10 (paragraphs 1-4): Add text on the economic importance of the western Delta: <i>municipal, industrial and commercial drinking water supply, fishing, boating, marinas, recreation and tourism</i>
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page 20(graphical illustration): Add Antioch's municipal diversion to the map
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page A-19 (paragraph 1): Add water exports and diversions as factors affecting water quality
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page A-19 (bullet #5): Suggest changing text from "Prior to construction of today's water supply and flood control facilities, salinities were lower in the winter and spring and higher in the summer and fall" to "Salinity under current flow management operations and Delta configuration is higher in both wet and dry years for almost all months of the year, although the overall range in salinity (difference between maximum and minimum salinity) was higher under historic conditions."
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page A-24 (paragraph 1): Suggest citing the recent report from the Contra Costa Water District indicating the historical extent of freshwater in the western Delta...
Antioch, City of	July 19, 2010	The City of Antioch requested the addition of their intake to the map and discussion of existing conditions in the Delta
Antioch, City of	July 19, 2010	Requested a greater acknowledgement of the historically fresh nature of the western Delta in the Delta Plan.
Association of California Water Agencies	May 12, 2010	While the science may be limited when decisions are made, the Council, in cooperation with the participating federal and state agencies, must commit to a process that allows for decisionmaking on limited information, continues to gather and analyze data, and most importantly, can readily modify management practices when such analysis justifies modification.
Association of California Water Agencies	May 12, 2010	The interim action plan must consciously strive to accomplish the coequal goals, which are no less important to California's economy and ecosystem in the near-term than in the long-term...If there are better ways to manage ESA related actions that can accomplish, instead of flaunt, the coequal goals while meeting all of the requirements of the law, we believe that the Council should include such an approach in its interim plan and insist on its implementation.
Association of California Water Agencies	May 12, 2010	...to accomplish the coequal goals in the near-term will require that the interim action plan employ an integrated and diversified set of management tools. The failure of the current near-term plan, to the extent that one exists, lies in the fact that it relies on a very narrow set of tools, especially as regards ecosystem protection.
Association of California Water Agencies	May 12, 2010	ACWA urges the Council to adopt a comprehensive approach that significantly increases the types of management actions undertaken to achieve policy objectives.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Association of California Water Agencies	May 12, 2010	The interim plan should embrace a multi-species/ecosystem approach and significantly expand the management tools used to improve the status of fisheries...including, predation control, mark-select fisheries, management of waste water discharges, broad-based intake screening...
Association of California Water Agencies	July 2, 2010	Every effort should be made to draft a <u>succinct</u> plan that provides specific guidance and information regarding the Council's priorities under the interim plan; the critical elements that should be considered and discussed in any proposal submitted to or taken up by the Council; the criteria Council and staff will consider when reviewing proposals for early actions; and how the Council will assess and report out on the actions implemented under the Interim Plan.
Association of California Water Agencies	July 2, 2010	The Interim Plan needs to clearly state what it expects to accomplish under the Interim Plan. This should include advancing the coequal goals; implementing early actions, projects and programs to demonstrate success and provide feedback to assist the Council as it develops and implements the final Delta Plan; and developing metrics to measure how implementation has advanced the co-equal goals.
Association of California Water Agencies	July 2, 2010	The Interim Plan should encourage the implementation of actions such as real-time operations of export projects based on scientific information about the location and status of protected species; mark-select fisheries...predation control; management of wastewater discharges...
Association of California Water Agencies	July 2, 2010	...the Interim Plan should discuss how the Council will track and report out on the actions it has taken, and results and lessons learned. It may be desirable to consider an outside party who has prior experience in the area of tracking and reporting on multi-faceted, long-term programs, including evaluating implementation success.
Association of California Water Agencies	August 2, 2010	...it is critical for the Interim Plan to focus on the necessary guidance and procedure to put into play early actions, projects and programs.
Association of California Water Agencies	August 2, 2010	...while the second draft is a significant improvement, we believe additional modification is necessary to ensure the Interim Plan focuses on early actions.
The Bay Institute	July 2, 2010	Both the Interim Plan, and the Delta Plan that replaces it, should be primarily concerned with defining desired outcomes for the Delta and its beneficial uses in a clear and measurable way, and identifying systemic changes in behavior and management that promote the desired outcomes.
The Bay Institute	July 2, 2010	The Council should not assume that particular actions by particular entities define the universe of what is desirable and feasible to achieve in the Delta.
The Bay Institute	July 2, 2010	First, the Council should design a process for engaging with a select group of scientific and policy experts in performance assessment and decision analysis and tools, in order to provide a sound framework for developing and adopting a complete set of targets and decision pathways in the final Plan that clearly and measurably identify desired outcomes for the Delta and critical decision milestones for measuring progress toward and addressing uncertainties regarding those outcomes.
The Bay Institute	July 2, 2010	...the Interim Plan should ensure that key issues relating to the adequacy of the BDCP are addressed in a timely fashion. These issues include but are not limited to the scope of alternatives to be considered in the environmental review; the contribution of the BDCP to reducing reliance on the Delta in meeting water supply needs; and the role of the BDCP in providing flow criteria that fully protect the Delta's public trust resources.
Resident of Clarksburg	April 7, 2010	I further request that your Council ensure that the adopted Plan be consistent with the 1992 Delta Protection Act, before it serves as the Council's Interim Plan.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Browns Valley ID, Folsom, Roseville, Sacramento Suburban WD, San Juan WD, Yolo County FCWCD, and Yuba County WA	July 19, 2010	What these statements leave unclear is whether the Council would use the "tools" - including the "Delta Water Flow" plan - as standards against which the Council would evaluate proposed actions and plan contents or whether those "tools" are simply headings under which the Council will place information to organize it. This is a key distinction. To the extent that the Interim Plan will be a framework for the long-term Delta Plan, then the Interim Plan is the interested parties' best indication of what regulatory standards the Council may propose. If the proposal is that the SWRCB's Delta flow criteria would be adopted in the Delta Plan as regulatory standards, then that point should be made as clear as possible. Such an approach, however, would be inconsistent with SBX7 1.
Browns Valley ID, Folsom, Roseville, Sacramento Suburban WD, San Juan WD, Yolo County FCWCD, and Yuba County WA	July 19, 2010	The second draft Interim Plan's Section III includes a lengthy quotation of the statutes enacted by SBX7 1 that will govern the Council's relationships with other agencies. (Second draft Interim Plan, pp. 17-20.) This quotation, however, does not include a quotation of SBX7 1's definition of "covered action," which will govern the scope of actions over which the Council will have consistency-review authority. The quotation of the relevant statutory authorities in the second draft Interim Plan's Section III therefore should include a quotation of Water Code section 85087.5, which is the statutory definition of "covered action."
Browns Valley ID, Folsom, Roseville, Sacramento Suburban WD, San Juan WD, Yolo County FCWCD, and Yuba County WA	July 19, 2010	To the extent that the above policy objective applies to regions upstream of the Delta that necessarily must rely on local resources to meet water demands because other supplies are not available, this portion of Appendix IV also should include citations to the legal authorities that establish water-right priorities and to the area-of-origin laws. Collectively, these authorities provide the legal basis that allows upstream areas to rely on their local water sources to sustainably meet their local water demands.
Browns Valley ID, Folsom, Roseville, Sacramento Suburban WD, San Juan WD, Yolo County FCWCD, and Yuba County WA	July 19, 2010	Accordingly, the following authorities should be included in the portion of Appendix IV that concerns Water Code section 85020(d): (A) Water Code sections 1450 and 1455 (concerning water-right priorities); (B) City of Barstow v. Mojave Water Agency (2000) 23 Ca1.4th 1224, 1243 (California Supreme Court: "[W]ater right priority has long been the central principle of California water law"); and (C) Water Code sections 1215 through 1222, 10505, 10505.5, 11128, 11460 through 11463 and 12200 through 12220 (area-of-origin laws).
California Department of Water Resources	July 2, 2010	Stopping all work on covered actions until the Delta Plan is adopted and eliminating conceptual designs from consideration would have the practical effect of limiting many legislatively mandated and discretionary actions that are needed to maintain the health, safety and welfare of Delta communities and state-identified resources.
California Department of Water Resources	July 2, 2010	Therefore, DWR encourages the Council to focus on the specified goals of the Interim Plan: namely, to develop "recommendations for early actions, projects, and programs," in a way that is consistent with its research needs and program development objectives in furtherance of the 2012 Delta Plan.
California Department of Water Resources	July 2, 2010	Those goals should be linked to specific, measurable objectives, and those objectives used to develop criteria through which the Council can provide meaningful recommendations to the entities with the authority and responsibility to implement early actions and other on-going activities...it should also be a prioritization activity that helps the Council clarify which activities can yield the most significant benefits for the public and private investments. Further, this activity would help identify specific quantifiable (and implementable) measures of performance that go beyond those developed by the Delta Vision process. Finally, this process can and should be an iterative and interactive process with the public and public agencies actively engaged to the extent practicable in all aspects of program review and drafting.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Department of Water Resources	July 2, 2010	Clarify the difference between "Recommendations" and "Consistency determinations"...That plan should be specific and clear about the procedural requirements for projects undertaken prior to the adoption of the 2012 Delta Plan. If it seeks to establish a de facto consistency certification process rather than produce "recommendations" to state and local agencies, such a process would potentially require environmental review and compliance with the Administrative Procedures Act.
California Department of Water Resources	July 2, 2010	Clarify the differing roles of SB x7-1 policy objectives in the structure of Interim Plan and 2012 Delta Plan...there are important differences between Interim Plan and the 2012 Delta Plan. Specifically, whereas the Interim Plan provides recommendations, the Delta Plan will provide a framework for a consistency certification and appeal process. Since these two outcomes are different, it will be essential to identify the specific objectives and criteria common to both efforts, and use those criteria in making recommendations during the period covered by the interim plan.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 6 - The background section should describe the historical evolution of the Delta, focusing on the importance of local-state-federal cooperation and long implementation timelines.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 7 - Seems to be poised for "consistency" determinations based on the Interim plan, though that isn't provided for in the statute.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 8 - The background section should describe the historical evolution of the Delta, focusing on the importance of local-state-federal cooperation and long implementation timelines.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 10 - There is no citation for such a statement. Additionally, this concept is unfamiliar to DWR staff.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 10 - Jersey Island is not conservation land owned by the state as indicated on Page 10. Instead, it is owned by Ironhouse Sanitary District, and its primary use is understood to be agriculture and discharge of secondarily treated wastewater. Also, while Sherman and Twitchell Islands are largely in state ownership, the uses of those islands are at best described as "multi-benefit" uses including as they do agriculture, habitat restoration, mitigation sites for levee work, warehousing of emergency supplies, and private infrastructure such as gas wells and distribution systems.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 11 - The draft should balance the description of assets and values in the Delta with a characterization of the significant near and long-term risks to Delta agriculture and infrastructure caused by land subsidence and levee instability.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 17 - There is not a FEMA 200-year standard.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 17 - Delta Levee Classifications references as FEMA 200-yr levee. This is a proposed levee standard, based on DWR's Interim Levee Design Criteria for protecting large urban areas. This is not a current FEMA standard. This table needs to be revisited in consultation with DWR, FEMA, and the USACE. A larger, more extensive levee classification table was used in some of the Delta Blue Ribbon Task force work and could be used as a starting point.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 17 - Water Code section 85309 does not relate to levees.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 18 - The trend is for mapping to be GIS-based with multiple information layers that can be readily updated and assessed over the internet. This type of computer-based mapping should also be designed to be compatible with information and GIS-based systems of other federal, state, and local agencies.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 21 - It will be a challenging process to simplify complex decisions. It is recommended that this fourth item be removed or modified.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 21 - DWR currently is engaged in multiple collaborative outreach efforts with members of the public in areas that influence the Delta, including the Delta itself. The current DSC efforts do not take into account DWR's outreach programs. DSC should work with DWR to collaborate on outreach messages and activities. Furthermore, DSC should share its systematic outreach plan with DWR's outreach programs.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 21 - More on DSC plans to make recommendations on proposed actions using the interim plan. (See comment regarding pg. 4)
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - See Above. In fact on p.23, DSC suggests early consultation for "any agency considering an action that is potentially a covered action."
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - DWR undertakes several delta actions every year, such as installation of the temporary rock barriers in the South Delta. It would not be feasible for DWR to not undertake this project pending the adoption of the Delta Plan.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - By extension to the DSC's upstream focus, this could impact FloodSAFE programs throughout the Central Valley. Many of the current FloodSAFE programs have tight legislative deadlines. As worded, the DSC claims that the only projects exempted are described within SBX7 1.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - The DSC reference to pre-existing projects should be removed, until such a time that it is verified by California Natural Resources Agency attorneys.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - The next draft of the Interim Plan should include a list of the Central Valley projects and programs that are exempted from SBX7 1.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-5 - CVFPP will not be adopted until June, 2012, and it may or may not have a recommendation for a San Joaquin River flood bypass.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-7 - Would require DWR to immediately create a flood bypass on the lower San Joaquin River which may be infeasible.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-24 - Recommend this sentence be modified.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-25 - This section focuses on levee failures. The annual high water / high wind events in the Delta have required local reclamation districts to enact emergency levee patrols and flood fights to also address levee overtopping issues. References to "potential failures" could be changed to "failures and overtopping"

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-26 - Although this appears to be a quote taken from the SBX7 1 water code revisions, the CVP is actually a US Bureau of Reclamation program. Furthermore, the CVFPB has no responsibility for either the SWP or CVP. The Interim Plan could focus on the actual intent of this language by changing this policy objective to "promoting local-state-federal integrated water management". Local partnerships and facilities are also crucial to California's water management system and have a significant impact on flood management, water supply, and the health of the environment in the Delta.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-26 - The list of performance measures focused on "risk" within the Delta Vision Strategic Plan should be expanded to incorporate traditional flood management performance measures. The Delta Vision Strategic Plan list references a 200-year level of protection, which is actually the proposed "urban level of protection" and will not be cost effective to maintain in many areas throughout California. The Delta's non-urban areas should be treated the same as other areas within the state. Additional performance measures should be added to this section in consultation with DWR. Examples include: cost of annual O&M, volume of water pumped off islands / tracts, number of incidents reported & addressed, annual emergency response cost, expected annual loss, disruption of activity (water supply, agriculture, spawning, boating, etc.)
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-26 - There are multiple references to development of a catastrophic emergency plans. DWR has an interim flood emergency plan for the Delta and Cal-EMA should have general statewide plans. Objectives regarding general emergency plans should reference the existing work of Cal-EMA and DWR.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-26 - The performance measures focused on "deep floodplains" within the Interim Plan use 10 feet as the target depth. DWR is about to release a legislative mandated flood risk notification flier to over 375,000 property owners in the Central Valley at the cost of nearly \$0.5M that is using the FEMA standard 3 feet of inundation depth as a criteria to establish "deep floodplains". Areas with less than 3 feet of flooding depth are traditionally referred to as shallow flooding areas. Although much of the Delta would be subjected to potential classification as a deep floodplain, that is in fact what the Delta is. DSC should work collaboratively with FEMA, the USACE, and DWR to establish a consistent standard inundation depth, so as not to conflict with other pre-existing legislated requirements.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-27 - We have a good understanding of the forces that cause Delta levees to fail. Recommend that the phrase "and other causes not yet well understood" be replaced with "and seismic events." And the last sentence regarding Jones Tract be removed.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A29-66 - The existing Delta plan and project profiles should include references to the legal source that authorized any public projects (which would address other legislative mandates).
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-54 - Add Central Valley Flood Protection Board and San Joaquin Area Flood Control
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-56 - Include Central Valley Flood Protection Board
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-73: Add Central Valley Flood Protection Board

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-73 - Change to Central Valley Flood Protection Board
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-74-75 - Replace "grant" with "local financial assistance"
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: The full text of SBX7 1 should be included in a separate appendix and the water code responsibilities of other, long-standing state agencies should also be discussed and highlighted within the background of the Plan. This should help to establish where overlapping authority exists, but at present the Plan reads as though it takes priority.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: The appendices should be expanded (and outside of the plan entered into a geospatial database) as additional programs and projects are researched.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Though the plan quotes the water code and provides a brief background into the importance and general physical characteristics of the Delta, it does not include the important historical story about how the Delta has evolved over time. This is crucial, since both Delta and statewide flood management programs historically have taken decades to plan and design. Failing to acknowledge this could lead to false expectations and conflicting prioritization of future planning efforts.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: A focus of the interim work of the DSC should be interacting with state and federal water management and resource agencies and the public to develop the 2012 Plan.
California Department of Water Resources	July 2, 2010	Utilize the Interim Plan to establish roles and responsibilities and illustrate funding needs for a diverse set of overlapping authorities and responsibilities
California Department of Water Resources	July 2, 2010	Adequately describe decision-support tools...each of these topics described as "tools" could better be described as discrete plans.
California Department of Water Resources	July 2, 2010	Role of Flood Management Activities - DWR's Division of Flood Management and FloodSAFE programs look forward to working with the Council to more fully incorporate flood management issues in the Interim Plan.
California Department of Water Resources	August 3, 2010	Page iv - It (would be helpful to include a table or illustration of those actions under the authority of the Delta Plan, so that one can easily understand which actions should go before the Board.
California Department of Water Resources	August 3, 2010	Page v, Lines 14-15 - This section refers to "tidal marsh restoration" in Dutch Slough and on Meins Island. The actual restoration will likely be a combination which includes some tidal marsh restoration. Also, Meins Island should be Meins Landing
California Department of Water Resources	August 3, 2010	Page vii, Line 7 - The tools should be more explicitly linked to the goals and objectives of the program they are intended to address. For example all of the objectives should be evaluated using indicators and/or performance measures but indicators are mentioned only for water supply and ecosystem restoration. If those are the only objectives to be explicitly tracked reflecting the co-equal goals, this should be more explicit in the document. Maps are useful for nearly all of the objectives. Flow criteria are important, but criteria should be developed for other objectives as well.
California Department of Water Resources	August 3, 2010	Page 3 - Background section is very abbreviated. It would be more helpful to reference other documents through an annotated bibliography.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Department of Water Resources	August 3, 2010	Page 3, Line 15-16 - This statement implies that if the levees were gone the desired mixing of water and land across virtually the entire Delta would occur. It does not recognize the fact that the Delta has been changed irreversibly, and that the tidal marsh of 100 years ago will not return if the levees are removed.
California Department of Water Resources	August 3, 2010	Page 3, Line 28 - While the size of the "other water diversion points: is smaller, the number of diversions (1,800 agricultural diversions) is much greater. According to the Delta Atlas, at peak times, the agricultural diversions can reach 4,000 cfs, nearly 1/2 the capacity of the export pumps.
California Department of Water Resources	August 3, 2010	Page 3, Line 35-38 - Add to this list changes in the direction and seasonality of flow patterns in the Delta and accumulated loss of habitats for food production.
California Department of Water Resources	August 3, 2010	Page 4, Line 8-13 - Delete "The requirements have..." to the end of this section. These statements do not pertain directly to ecosystem health and should be mentioned in the section on Unreliable Storage and Conveyance.
California Department of Water Resources	August 3, 2010	Page 5, Lines 7-11 - Unclear as written
California Department of Water Resources	August 3, 2010	Page 5, Lines 15-16 - This section is not clearly written. Peak flows do necessarily fall in summer months, but hydrograph is flat lined.
California Department of Water Resources	August 3, 2010	Page 5, Line 32 - Improve the explanation of ecological benefits. How does downstream storage provide ecosystem benefits? How does one avoid additional flat lining of hydrograph with upstream storage and how do you reduce affects on attraction flows?
California Department of Water Resources	August 3, 2010	Page 6, Line 12 - It would be helpful to provide a link to analyses about catastrophic failure.
California Department of Water Resources	August 3, 2010	Page 6, Line 17 - Change "DWR" to "county, state, or federal."
California Department of Water Resources	August 3, 2010	Page 6, Lines 26 and 27 - Delete this sentence or else explain how the Delta relies on levees, bypassess, and dams in upstream watershed.
California Department of Water Resources	August 3, 2010	Page 6, Line 43 - Delete "... when levees were Improved to current levels." The levees were in significantly poorer condition in 1967 than they are now and, currently, only about 75% of the levee miles are at the minimum standard for agriculture (HMP).
California Department of Water Resources	August 3, 2010	Page 7, Line 8 - Change "Flood Control" to "Delta Levees Maintenance." The Flood Control Subventions Program operates outside of the Delta.
California Department of Water Resources	August 3, 2010	Page 7, Line 12 - Explain "weak governance capacity", and summarizes more explicity what these reports, e.g. Little Hoover Commission, found.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
California Department of Water Resources	August 3, 2010	Pages 8-9 - The theme of California Water Plan Update 2009 is integrated water management and sustainability. The Update 2009 Implementation plan (Volume 1, Chapter7) has 13 objectives and 115-plus related actions that were taken from multiple State government companion plans and initiatives and the 2009 comprehensive water legislation. Objective 7 and its related actions incorporated the recommendations from the Delta Vision Committee's report to the Governor and Legislature, as well as the provisions of Senate Bill X7-1. One of the 12 regional reports (Volume 3) covers the Sacramento San Joaquin River Delta, including Suisun Marsh. Update 2009 also includes nine cross-cutting policy recommendations that can help reduce impediments and leverage existing resources and opportunities for successful implementation - one of which advances the co-equal goals. For the first time, a steering committee was formed representing 21 California State agencies, including the CALFED Bay-Delta Program, and their many subject matter experts. This is widely viewed as a successful first step to integrate water planning at the State level. In addition, a 45-member public advisory committee and nearly 40 regional workshops enhanced the practicality of Update 2009. There was significantly greater involvement of California Native American Tribes, including a first-of-its-kind Tribal Water Summit, as well as coordination with federal agencies. Together, these efforts provided broad participation in plan preparation.
California Department of Water Resources	August 3, 2010	Page 15, Line 13 - Without a more defined process, it is unclear how the Interim plan can inform the work of other agencies. The objectives in the Interim Plan as presented are too vague to guide decision making at the project level. However, it should be noted that for ecosystem restoration programs funded through the Delta Levees program, DWR does review potential projects using the objectives outlined in the Delta Vision and CALFED ERP. Also, the Water Code appears to indicate that the Delta Council is not a regulatory body. If an agency is acting as a responsible agency for a grant program, for example, does the council expect to duplicate that role? The California Water Code 85057.5b state that "Covered action" does not include any of the following: (1) A regulatory action of a state agency. The issue of roles among existing agencies and the newly created Delta Council should be addressed under the process and authorities sections of the Interim Plan in order to streamline the decision-making process.
California Department of Water Resources	August 3, 2010	Page 23, Line 8-9 - Action (may) be taken (based) on (incomplete) science if it is the best available.
California Department of Water Resources	August 3, 2010	Page 23, Line 26 - An appendix which includes the entire Delta Reform Act text might be useful
California Department of Water Resources	August 3, 2010	Page 27, Line 10 - 1. Best available foundational science
California Department of Water Resources	August 3, 2010	Page 27, Line 12 - 3. Delta ecosystem restoration plan and Suisun Marsh Plan
California Department of Water Resources	August 3, 2010	Page 27, Line 31 - Reference to Section V is unclear.
California Department of Water Resources	August 3, 2010	Page 28, Line 5 - "...creates includes..." should be changed

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Department of Water Resources	August 3, 2010	Page 29 - It is unclear from the text how the CALFED ERP is to be used as an analytical tool. The Interim Plan should include a process for identifying the analytical tools to be used for Ecosystem Restoration and a framework for evaluating progress in the form of measurable objectives. Though the ERP includes a long list of milestones, it may also be important to utilize other tools, as the ERP never really used a set of indicators to explain their program and progress to the public. Many questions remain: will the Interim Planning process review the ERP and evaluate/adopt those portions of the plan to include in the current plan? Also, the ERP is for the entire Sacramento/San Joaquin watershed, will the Delta Plan have a nexus with the objectives set down for other regions that affect the Delta? How will the Delta Planning process utilize the existing conceptual models?
California Department of Water Resources	August 3, 2010	Page 29 - Consider including reference to AB360 program objectives of "no net habitat loss" and habitat enhancement in the Delta objective of the program implementing language.
California Department of Water Resources	August 3, 2010	Page 29, Line 5 - Interim Plan should be changed to Delta Plan.
California Department of Water Resources	August 3, 2010	Page 29, Lines 8-12 - This is a discussion of tools and should not advocate for the use of specific measures. Though the concept of developing performance measures is commendable, the current text may be too detailed for the intent of this section.
California Department of Water Resources	August 3, 2010	Page 29, Line 15 - Interim Plan should be changed to Delta Plan.
California Department of Water Resources	August 3, 2010	Page 29, Line 22 - Delete the phrase "and now used by DWR and others." The classification system referred to in the text is different from the one indicated on Table 4-1. The system shown in Table 4-1 is similar to DWR's classifications, but differs.
California Department of Water Resources	August 3, 2010	Page 29, Line 28-30 - Delete the section beginning with "Specifically, the DWR..." as there are no actions within the Department to establish a criteria for legacy towns.
California Department of Water Resources	August 3, 2010	Page 29, Line 33 - Replace "DWR has expressed specific interest in" with "there is a need for." While not excluding legacy towns, the FloodSAFE efforts are now focused on protection of urban areas (areas with 10,000 people) and urbanizing areas (areas that will have 10,000 people within 10 years). There is a recognized need for improved flood protection for legacy towns; however, the Department is not actively developing methods to achieve this improved protection.
California Department of Water Resources	August 3, 2010	Page 29, Line 37 - Change "are being" to "must be" - See justification above.
California Department of Water Resources	August 3, 2010	Page 30, Line 25 - Change "scant" to "limited" - This section is discussing the performance of levees under seismic loading. Scant implies there is insufficient information or experience to know how levees will perform. There are a number of historic cases of levee deformation and failure under seismic loading. (Moss Land embankment failure during Loma Prieta earthquake in 1989 & the failure of the sea wall during the Kobe earthquake in 1995, among others).
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - It is not clear what this table is trying to convey. The headings, including "Habitat", "Infrastructure", and "Populated" need to be defined.
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Class 2 Proposed design criteria: Delete the editorial modifier "Steep" in two locations as it is not a required part of the criteria

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Class 3 through Class 9 Delta Levee Suitability - Habitat: Change N/A to [a check] since the levee described (PL84-99 (DS), etc.) is suitable to protect some types of habitat.
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Class 6 through Class 9 Delta Levee Suitability - Agriculture: Change N/A to [a check] since the levee described provides suitable protection to agriculture
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Add entry and/or make reference to Suisun Marsh levees
California Department of Water Resources	August 3, 2010	Page 35 - The plan should propose methods regarding how the Commission will accomplish the intent of the Public Resources Code Section 29702.
California Department of Water Resources	August 3, 2010	Page 37, Figure 4-1 - Show boundaries of the Primary and secondary Delta zones; label major metropolitan areas/land features e.g.: reservoirs. Should make colors of each category more distinctive separation to distinguish between Land Use types more easily.
California Department of Water Resources	August 3, 2010	Page 39, Table 4-2 - Funding for the DSC activities should be included on the table.
California Department of Water Resources	August 3, 2010	Page 39, Table 4-2 - Links to other state agencies with Delta budgets and economic information would be most helpful to overall coordination of efforts to achieve DSC goals and objectives.
California Department of Water Resources	August 3, 2010	Page 39, Table 4-2 - Annual Averages for "Budgeted-Fiscal Year '10-'11" shows 492,062,101 for levees. This is incorrect.
California Department of Water Resources	August 3, 2010	Page 39, Table 4-2 - Major use of funds should include agricultural funding e.g.: Williamson Act program lands and Integrated Regional Water Management funding for Delta Regions designated for DWR
California Department of Water Resources	August 3, 2010	Page 40 - Should include information from DWR Regional Integrated Water Management Program implementation/strategic plan
California Department of Transportation	August 2, 2010	Page 1, Engage and Establish Working Relationship with Agencies. Suggest adding clarifying information on what is meant by other relevant agencies.
California Department of Transportation	August 2, 2010	Page 18, 85225...If is not clear if a highway construction and/or major rehabilitation project is included in a "covered action." It would be helpful to clearly articulate what the "covered actions" are and give examples. If Caltrans highway work is included, then it appears that Caltrans would need to prepare a written certification of consistency with detailed findings as to whether the "covered action" is consistent with the Delta Plan and submit the certification to the council. Is this a correct assumption?
California Department of Transportation	August 2, 2010	Page 18, 85225.5...it would be helpful to clearly articulate what the covered actions are and to give examples.
California Department of Transportation	August 2, 2010	Page 18, 85300(a)...The plan should include a jurisdiction map that clearly shows what highways and roads are covered under this plan.
California Department of Transportation	August 2, 2010	Page 19, 85306...Regarding the "nonproject levees," it appears this might include highway construction and maintenance work. This should be clarified. Also, how far "outside of the Delta" can the Delta Plan identify actions to be taken or is this irrelevant as long as there is a nexus pertaining to the project and flood risks in the Delta? Also, the council's consultation with Caltrans regarding climate change and sea level rise on the three highways that cross the Delta, as noted in the paragraph above, could lead to significant highway construction work/requirements and costs such as extraordinary elevation of future capacity projects for route 12 and other highways.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
California Department of Transportation	August 2, 2010	Page 25, 3rd Paragraph...A clear definition and examples of what constitutes "covered action" should be provided. This paragraph will apparently require Caltrans to contact the Council for approving or undertaking a project that is a covered action. Does this include routine maintenance, major maintenance, and/or construction projects on the highways crossing the Delta?
California Department of Transportation	August 2, 2010	Caltrans should continue to be consulted as a state agency in order to inform our System Planning work, coordinate with the Delta Stewardship Council, and provide input on the highway protection strategies.
California Department of Transportation	August 2, 2010	Sacramento County and Sacramento Area Council of Governments should be consulted as agencies with land use approval authority or Blueprint plans for what development should occur in the Delta region as well as emergency response issues for Sacramento County communities.
California Department of Transportation	August 2, 2010	Coordination should occur between the Delta Stewardship Council and the local, regional, and state agencies carrying out the State Route (SR) 12 Comprehensive Corridor Evaluation and Corridor Management Plan, and the SR 12 Corridor Advisory Committee (CAC).
California Central Valley Flood Control Association	August 3, 2010	The Interim Plan overstates levee construction's role in separating land and water, claiming that historically "water and land mixed freely across virtually the entire Delta." That statement is NOT TRUE! Most Delta levees were built upon natural banks high enough to keep out the daily tides. These natural banks were created by the deposition of sediment during high flow events, and prior to reclamation the daily tides did not inundate the local islands. As evidence, the Federal Government made detailed surveys of the Delta islands and identified them not as tidelands, but as Swamp and Overflowed Lands, and during the 1800s prepared maps demonstrating these findings. Prior to levee construction, the Delta island interiors were generally inundated only during seasonal high stream flows that topped the banks.
California Central Valley Flood Control Association	August 3, 2010	The Draft Interim Plan selectively cites statistics suggesting the Delta levees are in particularly poor condition. Contrary to the impression conveyed by the Interim Plan document, the levees are generally in good condition. and the risk of levee failure has been steadily decreasing during recent decades. These improvements are in large part due to the establishment of the Delta Levee Maintenance Program (commonly referred to as the Subventions Program) in 1973 and the Delta Levees Program in 1988.
California Central Valley Flood Control Association	August 3, 2010	Earthquakes have been cited as a substantial risk to Delta levees, with predictions of a major quake being likely sometime in the next few decades. However, the Interim Plan has so many references to seismicity that other, more common risks seem to be given inadequate consideration. There has never, in the 160-plus years of managed flood protection and control in the Delta, been a documented failure of a levee due to an earthquake...Modeling of the Delta levees' sensitivity to earthquakes has shown that quake-induced liquefaction can cause levee slumping. The history of Delta Levees, however, does not suggest a widespread series of catastrophic failures; and further modeling would need to be done that considers how liquefaction in a levee would actually function during a large-magnitude earthquake in the Delta. A complete assessment would also account for the practical steps that can be implemented to repair observed earthquake damage in the immediate aftermath of a quake. Given these uncertainties, the short-term focus for levees (at least during the Interim plan period) must not be on earthquake-proofing, but on reducing the risk of failures due to the continuing threat of floods.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	And of course there is an urgent need for ongoing Delta levee maintenance, rehabilitation, and improvement to insure eligibility for federal disaster relief. The Interim Plan can help with this by identifying opportunities and methods for increasing overall levels of funding for levee maintenance and improvements, improving reliability and timeliness of bond payments, and reducing regulatory roadblocks to levee maintenance and improvements.
California Central Valley Flood Control Association	August 3, 2010	The California Legislature recognized the need to evaluate these levees as a system when it passed legislation in 2007 requiring the development of the Central Valley Flood Management Planning Program (CVFMPP), which is a valley-wide (including the Delta) determination of what the flood protection and control system currently is and management actions that should be followed in the future. The Interim Delta Plan should not attempt to predetermine or direct the outcome of this effort, but rather recognize the CVFMPP process as the defining element of the future flood protection and control system throughout the Central Valley and Delta.
California Central Valley Flood Control Association	August 3, 2010	Flood Protection Is Paramount. A message too often lost in the Delta planning process is the fundamental significance of flood protection and control...The levees must be recognized for what they are: the highest public priority for all who live in the Delta or depend on it for their livelihood. In order to achieve the co-equal goals, the Interim Plan and Delta Plan must recognize flood protection as a priority that must be maintained to protect people, property, infrastructure, habitat, and conveyance.
California Central Valley Flood Control Association	August 3, 2010	No Reduction in Flood Control Capacity. The final Interim Plan (and ultimately, the Delta Plan itself) is intended to govern the process for recommending a suite of actions, projects and programs, some of which have a very high potential to interfere with the flood protection and control system. The Plan must therefore include a strong commitment to mitigating any and all such impacts. In general, higher water levels along a floodway will require higher levees, and changes in hydraulics will require increased armoring...The funding to implement such mitigation should not come from the adjacent communities, but should be part of the habitat restoration project cost. This approach is inherent in the Central Valley Flood Protection Board requirement to prepare hydraulic modeling of the effect of vegetation plantings in-stream and along levees. A permanent fund should also be established, again as part of the project cost, to maintain the levee improvements necessary for mitigation.
California Central Valley Flood Control Association	August 3, 2010	The Council will also need to recognize that local Delta interests will have a continuing need for habitat mitigation for their own projects to benefit Delta communities, including levee improvements by reclamation districts. With five county Habitat Conservation Plans and the Bay Delta Conservation Plan (BDCP) identifying habitat to be protected under their plans equaling hundreds of thousands of acres, it may create a future deficiency of suitable land for mitigation of future projects to benefit Delta communities. The Delta communities should not be left unable to pursue necessary projects because of lack of available, suitable mitigation habitat, as it will prevent the Delta from "evolving as a place." The Council should think creatively about ways to set aside some habitat developed as part of large-scale projects, and use it expressly to mitigate for ongoing future local projects.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	First, the plan should emphasize that habitat-related projects should incorporate plants that will help provide bank stability near levees, albeit without encroaching into the clearance area designated by the Corps vegetation policy or impacting channel now characteristics. Second, the Council should actively engage in the discussions among various Federal, State and local interests to influence a new, sound policy (variance) for California levees. Additionally, the Council needs to recognize that Corp vegetation policy is only one of dozens of potential federal policy guidelines, such as encroachments and levee penetrations, affecting levees and flood facilities in the Delta and the rest of the Central Valley and develop an appropriate strategy for dealing with these issues.
California Central Valley Flood Control Association	August 3, 2010	The Interim Plan should expressly prioritize evaluating all potential actions, projects and programs for ways to incorporate integrated flood protection and control enhancements...the Council should ensure that every action, project or plan it approves or undertakes use the same multi-objective requirements that levee projects are required to achieve. This would mean that all projects approved, including habitat restoration projects, incorporate some incremental improvement to the flood protection and control system, just as levee projects have been required to incorporate improvements to the environment in order to be considered for approval...The plan should prioritize making appropriate sediment, rock and other materials available to local maintaining agencies without cost.
California Central Valley Flood Control Association	August 3, 2010	...the plan should strongly recommend increased funding for maintenance, operation, repair and rehabilitation of Delta levees. preferably under the existing Delta Subventions Program. However, the Council should investigate ways it can improve the timely delivery of funding reimbursements to local agencies so they can avoid a recent trend of having to float loans and interest payments for up to two years. An ability to streamline and improve the reimbursement with voter approved bond funds will maximize the use of local and state funds for levee improvement work ...The Department of Finance's inability to efficiently and completely release these funds is actively thwarting the voters' will...The most glaring example is with the Special Projects...Because the promised funds are not being released in a timely manner, local districts are forced to use their limited annual maintenance budgets to pay interest on the short-term bank loans they took out to initiate projects.
California Central Valley Flood Control Association	August 3, 2010	Leverage Federal Financing. Non-project levees ...only become eligible for Federal emergency funds (PL84-99) once they pass an initial inspection assuring they meet the Corps's engineering, maintenance and qualification criteria. Once upgraded to PL 84-99 and active within the program, flood damage to these levees is eligible for repair using federal funding. The potential for upgrading non-project levees to meet these criteria should be an important long-term consideration in the Delta Plan when considering actions, projects and programs.
California Central Valley Flood Control Association	August 3, 2010	The Interim and Delta Plan should identify clear chain of command, who pays for what, coordination of response and funding, and cooperative effort to pursue federal reimbursements for recovery. Consideration of any new conveyance and habitat restoration projects in the Delta Plan should ensure any impacts to flood conveyance or levee integrity are fully mitigated- and upgraded (armored, raised, widened) whenever possible to make them resistant to flood and earthquake events.
California Central Valley Flood Control Association	August 3, 2010	Best Available Science/Transparency. The Draft Interim Plan detail is the need to rely on the best available science in making decisions. In determining what science is the "best available" in the context of flood protection and control, it will be imperative utilize the practical expertise of the engineering professionals and firms that have practiced in the Delta for decades and have a solid understanding of both the controlling technical principles as well as the site-specific contexts in which flood protection and control operations actually occur.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	The plan should also state that all modeling and assumptions will be made available to the public as early in the process as possible. Transparency will enable the public to follow and review the technical basis for the Council's decisions, and the Council will benefit from enabling third-parties to provide substantive critiques and peer review.
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Accurate historical description of environmental effects of levees
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Recognize the success of Delta Levees Program in reducing frequency of Delta levee failures in last couple of decades
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Identifying opportunities and methods for increasing overall levels of funding for levee maintenance and improvements, improving reliability and timeliness of bond payments, and reducing regulatory roadblocks to levee maintenance and improvements
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Do not pre-empt flood management recommendations of the CVFMPP to be released in 2012
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Recognize flood protection as priority for all decisions, projects, and policies adopted and/or approved by the Council
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Require establishment of permanent funding mechanisms (including long-term maintenance) for mitigation of any changes in water elevations and changes in water hydraulics for projects that are detrimental to effective flood control system by proponents of any actions, projects and programs in the Delta
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Maintain adequate amount of habitat in the Delta for mitigation of future improvement projects that benefit Delta communities
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Actively engage in discussions among various Federal, State, and local interests regarding the modification of the Corps' levee vegetation policy
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Require habitat, recreation, water supply, and transportation projects in the Delta to include flood protection and control enhancements as part of their multi-objective
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Make sediment, rock, and other materials created by water conveyance and habitat restoration projects available to local levee maintaining agencies at no cost
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Process for improving timely delivery of bond money for reimbursement payments for projects implemented under the Delta Levees Program
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Leverage federal funding for upgrading non-project levees to PL 84-99 standards
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Develop protocols for responding to emergency flood events and clean-up and recovery after event
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Use extensive in-Delta engineering expertise to develop and peer review "best available science"
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Make all modeling and assumptions/criteria available to the public prior to finalizing or approving projects and programs in the Delta
California Farm Bureau	July 2, 2010	Given the lack of specific statutory direction as to an interim plan, the organizational approach centered around the eight policy objectives identified in Water Code section 85020 is a logical one.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Farm Bureau	July 2, 2010	Identify as part of the interim plan, separately in an initial draft long-term plan, or in both places those activities seen as relating to post-near-term topics for Delta Plan. This will allow the interim plan to focus more meaningfully and in greater detail on true near-term priorities for the near-term period, while allowing parallel longer-term planning to proceed unencumbered by such content in the interim plan.
California Farm Bureau	July 2, 2010	Do not wait on the Delta Plan. Restrict the near-term plan to near-term matters and get started on long-term Delta Plans as a separate deliverable.
California Farm Bureau	July 2, 2010	"Performance measures," as described in Water Code section 85211, are a required component of the long-term Delta Plan - not of the Interim Plan.
California Farm Bureau	July 2, 2010	(re: Implementation of the Sacramento-San Joaquin Delta Reform Act of 2009): Many, if not all of the items discussed in this section concern long-term content for the Delta Plan, as opposed to matters appropriate for inclusion in the interim plan (i.e., Delta flow plan, ecosystem restoration plan, levees plan, and land use). While planning for the plan may be an appropriate interim plan topic, actual statutorily required components of the long-term Delta Plan should be developed directly in the context of the longer-term plan itself.
California Farm Bureau	July 2, 2010	Financing...is a near-term priority and necessity for the DSC and is, therefore, an appropriate topic for the interim plan.
California Farm Bureau	July 2, 2010	Water Code section 85021 is a statement of state policy and does not assign any express power or authority or duty to the DSC, either on an interim or long-term basis, although tracking statewide progress on efficiency as it relates to the Delta might be an appropriate role...As it stands, initiatives for actual implementation of the state's general policy goals relating to efficiency appear to lie primarily with DWR, SWRCB, and the local entities in each region as opposed to the DSC.
California Farm Bureau	July 2, 2010	...the Draft [Interim] Plan states..."[n]o state or local agency should undertake or approve a project that is potentially a covered action until the Delta Plan is adopted." ...Farm Bureau submits that this direction in the draft plan is quite inappropriate. The text goes on to mention the need for possible 'early consultation' on proposed projects in the Delta. Unless a project would cause some major disruption in the Delta or preclude future actions, some form of tentative approval for potential beneficial projects, that are otherwise fully permitted and shovel-ready, is necessary to allow urgent projects to proceed before completion of a final Delta Plan...individual projects should be considered during this interim period on a case-by-case basis, along with potential early consultation and coordination as appropriate.
California Farm Bureau	July 2, 2010	Concerning the draft language and content described in this section of the text [pages A-13 through A-15 of First Draft of Interim Plan] with respect to the ecosystem restoration objectives embodied in Water Code sections 85020(c) and (e) and long-term performance measures, the scope of the what is described here far exceeds the scope of an interim plan and should instead be developed directly in the long-term Delta Plan...

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
California Fisheries and Water Unlimited	May 25, 2010	There must be swift corrective actions by the Council before we lose the Central Valley salmon fisheries to water development. Salmon must migrate through the Bay Delta Estuary safely to the Pacific Ocean. The losses of endangered salmon and threatened steelhead species at the State Pumps in the Bay Delta Estuary must be swiftly corrected by the Council to prevent further detrimental losses before dams and diversions exterminated the people's Central Valley salmon fisheries...The Council must recommend and require there must be terms and conditions in all water right permits and licenses to provide for additional habitat and protection requirements for endangered spring-run salmon and threatened steelhead species in all waterways that are subject to control by the State Water Board...Dams and diversion controlled by the Federal Energy Regulatory Commission that affect spring-run Chinook salmon and threatened steelhead must be corrected by the Council by requiring the State Water Board to use their enforcement authority under Section 401 of the federal Clean Water Act...The Council must examine, evaluate, and correct water transfers approved by the State Water Board from the Bay Delta Estuary by the CDWR at the State Pumps and by the USBR at the federal pumps.
California Fisheries and Water Unlimited	July 17, 2010	The "Co-Equal" requirements in the draft Interim are very political and highly unreasonable. The central reason the Bay Delta Estuary has been damaged is because of the political decisions by the State Water Board and its staff...The Delta Stewardship Council must push the political water use issues aside and determine the water and related conditions necessary to bring back the health of the Bay Delta Estuary and then once the Bay Delta Estuary is given the water and conditions to improve its health, the remaining water can be "co-shared" with the water users pursuant to the applicable water right statutes. That is called "balance".
Central Delta Water Agency	August 3, 2010	The sportfishing industry (ocean, estuary and tributaries), natural gas storage, fuel transmission line and Pacific Flyway waterfowl habitat should be included.
Central Delta Water Agency	August 3, 2010	This section should include an explanation that the SWP and CVP promised and the law provides that project diversions be limited to water which is surplus to the present and future needs including environmental needs of the Delta and other areas of origin. That both projects are obligated to fully mitigate their adverse impacts and additionally provide salinity control for the Delta.
Central Delta Water Agency	August 3, 2010	The SWP has the obligation to preserve fish and wildlife pursuant to Water Code section 11912. The CVP has the fish and wildlife restoration obligations as per the CVPIA including the P.L. 102-575 section 3406(b)(1) obligation to ensure by the year 2002 natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967 - 1991.
Central Delta Water Agency	August 3, 2010	Water supply reliability has declined in major part due to the failure of the SWP to develop as planned by the year 2000 an additional yield of 5 million acre feet per year of surplus water from North Coast rivers to supplement Delta inflow so as to allow the delivery of the 4.25± million acre feet of SWP contract entitlement. The reliability of water supply has been further aggravated by the CVP addition of the San Luis Unit commitments in excess of 1 million acre feet per year without adding carryover storage.and without a San Joaquin Valley drain with an outlet for salts to reach the ocean. The resulting degradation of the San Joaquin River has additionally reduced supply due to the need for dilution and reduced opportunity for reuse and reclamation. The SWP and CVP increased dependence on unregulated flow has resulted in violations of water quality standards, increased salinity intrusion into Suisun Bay and the western Delta and reduced flushing flows for the Bay-Delta Estuary.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Central Delta Water Agency	August 3, 2010	SWP and CVP reliance on export of unregulated flow rather than release of stored water carried over from flood years and other periods of above normal precipitation has greatly contributed, if not, caused the present crises for ecosystem health. Restoration focus on Pre-Gold Rush conditions in the estuary rather than Pre-SWP or Pre-CVP and Pre-SWP misses the mark. Ecosystem conditions were relatively good until the late 1960's. This appears to coincide with the commencement of SWP exports from the Delta.
Central Delta Water Agency	August 3, 2010	Diversions in the Delta impact fish to a lesser extent than the SWP and CVP pumping plants not only because they are grossly smaller in capacity but because they divert a much smaller percentage of the flow from the adjoining channels and in most cases divert from near the bottom of the channels rather than higher in the water column preferred by sensitive fish species.
Central Delta Water Agency	August 3, 2010	The Delta's role in providing critical habitat for migratory waterfowl of the Pacific Flyway should not be overlooked.
Central Delta Water Agency	August 3, 2010	Subsidence should not be generalized. There are specific locations where subsidence is a problem. Even on the islands in the western Delta with deepest peat soils there are areas where there is no remaining peat and no subsidence. In much of the Delta subsidence is not an issue.
Central Delta Water Agency	August 3, 2010	Providing salinity control for the Delta is a major purpose and obligation of both the SWP and CVP. Provision of salinity control and an adequate water supply for the Delta and other areas of origin is promised pre-condition to the export of water from the Delta.
Central Delta Water Agency	August 3, 2010	Aging of levees is typically beneficial in that consolidation of compressible foundation soils increases with time and the further addition of soil to the levee section. Massive levee failures during wet periods should not cause detrimental salinity intrusion into the Delta and the difficulty in repair is greatly overstated.
Central Delta Water Agency	August 3, 2010	Reliability to urban areas in particular should be provided with the addition of desalting facilities for brackish and in some cases ocean water which could provide emergency supplies and supplement water reclamation during other periods.
Central Delta Water Agency	August 3, 2010	Delta flood risks have in our view been overstated. There will be occasionally levee failures however, Delta levees have been increasingly improved during and since the 1980's. Numerous weak spots failed and were repaired and substantial efforts to mitigate the risk were initiated after the 1986 floods.
Central Valley Joint Venture	July 30, 2010	In order to assist the Delta Stewardship Council in meeting these important requirements, the CVJV requests the Council review and utilize, where appropriate, the Plan goals while developing the Interim Delta Plan and the Delta Plan.
Clarksburg Fire Protection District	April 1, 2010	By resolution and official action, the District formally requests the Delta Stewardship Council to coordinate with the District to the fullest extent required by law with regard to the formulation and implementation of the Delta Plans and all other plans considered by the Delta Stewardship Council.
Coalition for a Sustainable Delta	May 12, 2010	The keystone of any Delta plan—interim or otherwise—must be adaptive management. Adaptive management relies on an integrated, science-based conceptual foundation and framework and a robust monitoring and evaluation program that allows the testing of hypotheses about environmental and biological responses to program actions. A successful adaptive management program will allow managers to identify uncertainties, risks and opportunities for management action; direct monitoring to resolve uncertainties; and alter the planned course of action depending on how the levels of risk, uncertainties and conditions resolve over time.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Coalition for a Sustainable Delta	May 12, 2010	A second important component of the Interim Delta Plan should be the effective management of a science program to support actions and policy decisions under the plan.
Coalition for a Sustainable Delta	May 12, 2010	A third component of the Interim Delta Plan should be the recognition of the new Delta paradigm. Declines in Delta fish populations are not caused by a single factor. Moreover, those multiple factors affect different fish species in different ways. The Delta must be managed for multiple species and address multiple causes of decline. This new paradigm promotes ecosystem-based management where species are part of a larger system and where the full complement of environmental stressors is considered by management planners. Under this new paradigm, habitat cannot be described only by flows, or by a single measurement such as X2..a more comprehensive approach to Delta sustainability must be pursued by addressing other stressors in the Delta such as increased contaminant loads, changes to the food web and invasive species...
Coalition for a Sustainable Delta	May 12, 2010	Finally, enforcement of existing obligations is a logical starting point for action in the Interim Delta Plan. Ongoing violations of state laws regarding candidate, threatened and endangered species, fully protected species, lake and streambed alterations, water quality and water rights should be addressed.
Coalition for a Sustainable Delta	May 12, 2010	The Interim Delta Plan should be based upon an integrated, science-based conceptual foundation and framework that incorporates an explicit adaptive management program. By connecting the dots between human actions, natural variation, environmental change and resulting biological responses, the conceptual model will enable the Council to identify uncertainties, risks and opportunities for management action; direct monitoring to resolve uncertainties; and plan for different courses of action at different levels of risk depending on how these uncertainties and conditions resolve over time...In order to facilitate learning, the monitoring and evaluation program must be shared among program participants—i.e. local, state, and federal agencies as well as other interested stakeholders including corporations, trade associations, and non-profits. Archived information should be accessible via a centralized database providing information in a uniform format, preferably through a web portal featuring different levels of access. A standard set of protocols for conducting and reporting monitoring would assist in the effort...Ideally, monitoring results will also provide measurements for a Delta Report Card, a sophisticated science-based scoring system that can measure and document institutional progress and program successes towards meeting explicitly identified measurable goals in the restoration of the Sacramento-San Joaquin Delta ecosystem. The design of a Delta Report Card is consistent with the Council's charge under SBX7 1 to develop performance measures for the assessment and tracking of progress and changes to the health of the Delta ecosystem, fisheries, and water supply reliability...As part of the design and implementation of a monitoring and evaluation program, the Council should coordinate with ongoing initiatives, such as the Central Valley Regional Water Quality Control Board's development of a Delta water quality comprehensive monitoring program.
Coalition for a Sustainable Delta	May 12, 2010	Under the Interim Delta Plan, the Delta Stewardship Council should assess ongoing monitoring activities in the Delta and identify deficiencies in current monitoring activities. The Council will need to work across agencies to ensure a comprehensive, Delta-wide monitoring and evaluation program. A centralized database to contain the monitoring results is an important component of any monitoring and evaluation plan. Under the Interim Plan, the Council can begin the process of designing and establishing that database. In conjunction with the monitoring and evaluation program effort, the Council should also determine the components of a Delta Report Card.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Coalition for a Sustainable Delta	May 12, 2010	...policy should drive the science funded by the Delta Science Program. Managers and policy makers should identify specific areas of research and solicit proposals for qualified scientists to complete research. The Delta Science Program should also seek to draw on experience and knowledge throughout the scientific community (not just those that have been previously involved in Delta research) and promote an inclusive process and exchange of ideas through solicitation and proposals and funding of research activities.
Coalition for a Sustainable Delta	May 12, 2010	Over the past several years, a paradigm shift has taken place in the Delta. The paradigm shift is captured most succinctly in two major reports regarding the Delta:..the authors describe a shift from an outdated paradigm that identified pumping associated with water exports from the Delta as “the biggest cause of fish declines in the estuary,” to a new paradigm that identifies pumping as “only one of several causes of fish declines.” (PPIC 2007.)
Coalition for a Sustainable Delta	May 12, 2010	..the Interim Delta Plan should take a comprehensive, ecosystem based approach to addressing the multiple stressors on the Delta ecosystem and its fishes...
Coalition for a Sustainable Delta	May 12, 2010	The design and implementation of the Interim Delta Plan should not neglect the important issue of enforcement of existing laws...The underutilization of existing enforcement authorities has led to a proliferation of ongoing, illegal activities in the Delta...a principle focus on the rule of law through robust enforcement should be a central feature of the Interim Delta Plan. In addition, the Interim Delta Plan should include a request to state agencies with activities in the Delta to report to the Council regarding their enforcement obligations and activities. The agency reports should include enforcement obligations, ongoing enforcement actions, existing enforcement resources, and prioritized lists of both ongoing and desired enforcement activities. With this list, the Council can identify enforcement shortcomings, identify enforcement resources needed by the agencies, and can prioritize deployment of resources to augment enforcement activities. These activities should be part of the Interim Delta Plan, but they will also inform the enforcement component of the final Delta Plan.
Coalition for a Sustainable Delta	July 2, 2010	It is imperative that public comment and recommendations be considered and incorporated in a meaningful and timely manner.
Coalition for a Sustainable Delta	July 2, 2010	The interim plan must do more than reference best available science; it must exhibit an understanding of how science is actually employed in support of Delta restoration and management efforts.
Coalition for a Sustainable Delta	July 2, 2010	In both the Interim Delta Plan and the Delta Plan, the Council should ensure that: The plans recognize explicitly that “best available science” includes, not just the selection of reliable scientific information that will help inform Delta policy and management, but a structured decision support framework to bring science-based findings to best practices using transparent effects analyses and risk assessment. The plans describe how adaptive management approaches will inform each of the projects and program actions proposed in the plans, and provide evidence for how project-specific monitoring will contribute to management actions that are effective, efficient, and accountable. The plans describe how the Independent Science Board will collaborate with agency staff to maximize the utility of scientific and other technical information in guiding management actions, establishing performance measures, and interpreting monitoring data on project effectiveness. The plans articulate how stakeholders and other sources of essential technical expertise will be engaged and represented in project planning, implementation, and performance review.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Coalition for a Sustainable Delta	July 2, 2010	Goal setting for ecosystem restoration must be based on a quantitative analytical framework or model that can be used to rank the importance of the most critical limiting factors...Appendix IV of the First Draft Interim Delta Plan proposes "Performance Measures and Targets" for ecosystem restoration which appear largely to be based upon best professional judgment or language borrowed from other documents rather than on the basis of quantitative information and statistical analysis of ecological conditions. For instance, performance measures focus on the number of acres of various types of land rather than the identification of physical habitat that supports important biological functions and the quality and location of such habitat. Even more egregious is the proposed use in the Interim Delta Plan of the "doubling goal" of salmon, which was specifically discredited by the independent scientific review panel in Listen to the River. The selection of performance measures and targets must be based on a quantitative analytical framework rather than an amalgamation of the same failed targets proposed in past Delta efforts.
Coalition for a Sustainable Delta	July 2, 2010	Flow criteria for the Delta must be considered within the broader context of habitat needs of multiple species..careful consideration of the habitat needs of at-risk native fish must occur in the context of a broader ecosystem-management based approach to the Delta (CalFed Science Program 2008).
Coalition for a Sustainable Delta	July 2, 2010	Enforcement of existing laws should be a central action under the Interim Delta Plan...An enforcement plan under the Interim Plan should include: A report to the Council by state agencies involved in Delta activities on their (1) enforcement obligations; (2) existing enforcement activities; and (3) enforcement resources, including an assessment of what resources are needed to fully meet enforcement obligations...An analysis by legal counsel regarding available enforcement tools...Creation of a plan, for inclusion into the Delta Plan, to implement full enforcement of existing laws.
Coalition for a Sustainable Delta	July 2, 2010	The Interim Delta Plan should include short term actions that can be implemented before 2012...The actions include: Elimination of bag and take limits on striped bass and largemouth bass to reduce predation of listed species (as requested by the federal National Marine Fisheries Service)... Establishment of a delta smelt hatchery ...Improved management of hatchery produced salmon and steelhead...Protection and enhancement of existing habitat...Development of an inter-agency initiative to strengthen the enforcement of water quality provisions...Collection of information on in-Delta diversions and assessment of actions to reduce impacts to aquatic species...Enforcement activities, including measures to halt and address illegal diversions and water quality discharges in violation of the federal Clean Water Act and California Porter-Cologne Water Quality Control Act.
Coalition for a Sustainable Delta	July 2, 2010	The Interim Delta Plan will provide a framework for the organization and approach of final Delta Plan and will initiate short term actions to fill the gap before the Delta Plan is implemented. As such, it is vitally important that the Interim Delta Plan establish the proper adaptive management framework to ensure that science properly informs management and policy decisions. The Interim Delta Plan should also provide for meaningful actions that go beyond simple recitation of statutory language or a rehashing of the typical laundry list of activities from past failed attempts at Delta management. In addition, the Council should ensure that public comments are actually considered and incorporated in a timely manner into future drafts of the Interim Plan and Delta Plan.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Coalition for a Sustainable Delta	July 19, 2010	Enforcement of existing laws should be the starting point for Council action under the Interim Delta Plan. Without identifying enforcement obligations by various state and federal agencies, it is impossible to determine what new activities should be included in an Interim Delta Plan and final Delta Plan. Enforcement of relevant existing laws is also the logical starting point for actions to achieve the co-equal goals. At a minimum, the Interim Delta Plan should include an enforcement plan that contemplates a report to the Council by state agencies regarding enforcement obligations, activities, and resources. It should also include an analysis by legal counsel regarding enforcement tools, and a plan to implement full enforcement of existing laws under the final Delta Plan.
Coalition for a Sustainable Delta	July 19, 2010	As required by statute, the Interim Delta Plan should recommend concrete, near-term actions—not just “processes” to “develop its recommendations”— that will make progress towards the co-equal goals...The Interim Plan should include concrete recommendations for early action, including actions to address many of the ecosystem “other stressors” in the next two years. Waiting until 2012 to take action to address known ecosystem stressors should not be an option.
Coalition for a Sustainable Delta	July 19, 2010	The proper use of science to support Delta policy, decision-making, and management efforts is a key component of “best available science”. The current draft of the Interim Plan is missing Section V, which provides “procedures for the use of best available science in decision making of the [C]ouncil.” (Second Draft Interim Plan, p. 27)
Coalition for a Sustainable Delta	August 3, 2010	The Coalition agrees with the necessity of addressing all Delta stressors, not just a convenient subset that can function as a scapegoat for what is causing the ecosystem decline. In doing so, however, the Council should recognize the difference between: 1. Those issues that need to be addressed and are being dealt with in a timely manner by a responsible agency or group; 2. Those issues for which there is a responsible agency but the agency is not acting, is acting too slowly or is hardly acting; and 3. Those issues for which there is either no agency or so many agencies involved that there is really no viable plan of action.
Coalition for a Sustainable Delta	August 3, 2010	The Council has already submitted scoping comments dated June 28, 2010 regarding the Revised Notice of Preparation of a Draft EIR/S for the BDCP and hired a consulting firm to assist the Council in its review the BDCP and EIR/S. Moreover, by statute the Delta Plan must include the BDCP if it meets certain specified conditions. Therefore, it would be a duplication of effort for the Council to separately develop criteria for water project operations when the BDCP is currently focused on the near-term and long-term operations of the water projects.
Coalition for a Sustainable Delta	August 3, 2010	Enforcement serves as the foundation of the effort to address Delta stressors. Many of the stressors, such as poor water quality and predation by non-native sport fish, fall under existing obligations of state and federal agencies. Before the Delta Plan creates new obligations, shortfalls in the enforcement of existing laws should be documented and improved...A report to the Council by state agencies regarding enforcement obligations, existing enforcement activities, and enforcement resources; Documentation of enforcement shortfalls, including an explanation for the reason why obligations are not being enforced (lack of resources, obligation considered irrelevant or inappropriate, etc.); An analysis by legal counsel regarding available enforcement tools; and The creation of a plan, with deadlines; to implement full enforcement of existing laws.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Coalition for a Sustainable Delta	August 3, 2010	The process of decision-making based on the best available scientific information is a stepwise process. It begins with data collection, analysis, and presentation of findings. In the Delta, logistical limitations, particularly the scarcity of certain fishes of conservation concern, inhibit the ability of scientists to engage in hypothesis testing. Although data sets are relatively rich, there are, nonetheless, significant information gaps and limitations to inference that constrain the reliability of available data in application to management decision-making (Platt 1964)...Just because data and analyses have been published in scientific journals does not mean necessarily that such information is applicable in conservation planning. Critical assessment of the appropriateness of the underlying data sets and the methods or tools used to analyze those data sets must be carried out in an independent and rigorous process of effects analysis akin to risk assessment. During that process, decision-makers should both consider the reliability of the information and its pertinence to management planning, and acknowledge key uncertainties and variability in the system...Where numerous, potentially useful data sets and/or analyses exist, it is necessary to evaluate that body of information to guide the application of tools that can take data on environmental stressors and assess their affects on the status and trends of species of conservation concern. This procedural step links scientific data to resource management options in an analysis of the costs and benefits of alternative planning opportunities. Transparency is critical at this assessment juncture -- where available scientific information is linked to decision formulation.
Contra Costa Board of Supervisors	May 12, 2010	It would therefore seem both appropriate and prudent for the Council to utilize as a foundational document for the Interim Plan, the DPC's Resource Management Plan which was revised and adopted earlier this year.
Contra Costa Board of Supervisors	May 12, 2010	We would also respectfully request the Council to consider options for optimal levels of participation by the Delta Counties and other local agencies, organizations and individuals in your deliberations over short and long-term plans. Outreach for participation from these stakeholders should begin with development of the Interim Plan.
Contra Costa County	July 2, 2010	Page 4 - Review of the Bay Delta Conservation Plan (BDCP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is a significant early action that the Interim Plan should address...The Interim Plan should acknowledge that it will be used to help guide the early actions of the DSC in these phases of the BDCP.
Contra Costa County	July 2, 2010	Page 5 - Describe the type of projects eligible for Proposition IE expenditures under Water Code Section 83002(a) (1).
Contra Costa County	July 2, 2010	Page 7 - The Interim Plan needs to ensure that the eight policy objectives in Water Code Section 85020 fully acknowledge other statements of goals and policies in SBX7-1, such as those in Sections 85021 through 85023, and in Public Resources Code Section 29702. This acknowledgement should occur in the descriptions of the basic legal authority for each policy objective.
Contra Costa County	July 2, 2010	Page 8 - The goal of reducing reliance on the Delta for the state's water supply needs is an important backdrop for many of the early actions that are shown on this page and are to be covered by the Interim Plan, such as: Early actions with federal agencies, particularly through incentives for efficient water use by agriculture, can help reduce reliance on the Delta for the state's water supply needs...Early actions by the Department of Fish & Game (DFG) and State Water Resources Control Board (SWRCB) to determine adequate Delta flows will help frame the range of water exports that the Delta can sustain ...As mentioned previously, the DSC will be taking a number of early actions concerning the BDCP that will be critical to the objective of managing the delta's water and environmental resources and the water resources of the state over the long term. It is important for these early actions to be consistent with state policy to reduce reliance on the Delta for the state's water supply needs.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Contra Costa County	July 2, 2010	Page 9 - The performance measures and targets for the Interim Plan appropriately list the development and acceptance of flow criteria developed by DFG and SWRCB. Development and acceptance of quantified biological objectives proposed by the BDCP will also have important implications for the final Delta Plan. Science plays a central role in these efforts and the Interim Plan should identify key tasks for its Independent Science Board to undertake immediately to ensure the adequacy of these performance measures and targets.
Contra Costa County	July 2, 2010	Page 9 - The text describing the western extent of the secondary zone should be revised to include Pittsburg, which is west of Antioch.
Contra Costa County	July 2, 2010	Page 14 - The DSC should consider whether a committee should be established to help coordinate certain actions included in the Interim Plan...Establishing such a committee should be an early action for the DSC to consider to improve the effectiveness of the Interim Plan.
Contra Costa County	July 2, 2010	Page 14 - Financing for the Delta Plan should include the activities of all state agencies that must contribute to the preparation and maintenance of the plan.
Contra Costa County	July 2, 2010	Page 15 - The Interim Plan should include a tool to organize critical information for economic sustainability. This information could be most readily communicated with a map that identifies the locations of the activities, programs and systems that will be essential to achievement of a sustainable Delta economy.
Contra Costa County	July 2, 2010	Page 15 - An organization chart should be used to communicate the improved governance necessary for effective implementation of the Interim Plan...The DSC could readily prepare such an organization chart to demonstrate the governmental relationships necessary for effective implementation of the Interim Plan's early actions.
Contra Costa County	July 2, 2010	Page 15 - The Delta Water Flow Plan must consider the mandate in SBX7 1 that establishes reasonable use and public trust as the foundation of the state's water policy...The Delta Water Flow Plan should account for the water flows to the Bay that will ensure ecosystem health, and that will be respected by diversions south from the Delta.
Contra Costa County	July 2, 2010	Page 21 - DSC's review of projects should include information on funding for mitigation measures.
Contra Costa County	July 2, 2010	Page 22 - There is no justification for the proposal for a moratorium on projects by state and local agencies that are potentially covered actions. In lieu of a moratorium, the DSC should immediately initiate an inventory of covered actions underway in the planning area, and consider available processes and criteria that could be used for appeals made to the DSC prior to adoption of the Delta Plan. Appeals on covered actions in the Primary Zone could be administered using the process currently used by the DPC.
Contra Costa County	July 2, 2010	Page 23 - Opportunities for public engagement in developing of the Interim Plan must be broadly communicated as soon as possible.
Contra Costa County	July 2, 2010	Page A-12 - The policy objective on restoring the Delta ecosystem needs to consider the mandate in SBX7 1 establishing reasonable use and public trust as the foundation of the state's water policy. The Interim Plan currently does not reference this mandate as relevant to the objective of restoring the Delta ecosystem. Critical questions for the Delta Plan to answer are: 1) the amount and timing of water flows to the Bay that are needed to protect the public trust resources in the Delta; 2) how these flows affect other reasonable uses of water from the watershed, and 3) how do statutory water rights (e.g. Area of Origin, Watershed Protection Act, and Delta Protection Act) affect these flows.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Contra Costa County	July 2, 2010	Page A-13 - ...The plan should identify the work expected to occur by various agencies concerning flows and biological objectives in the near future. In addition, similar to our comment on page 9, science will play a central role in these efforts and the Interim Plan should identify key tasks for its Independent Science Board to undertake immediately to ensure the adequacy of these performance measures and targets.
Contra Costa County	July 2, 2010	Page A-18 - The policy objective to promote statewide water conservation, water use efficiency and sustainable water use should acknowledge the state mandate in SBX7 1 establishing reasonable use and public trust as the foundation of the state's water policy. The Interim Plan should look into opportunities to improve the efficiency of water use by agriculture.
Contra Costa County	July 2, 2010	Page A-21 - The policy objective on improving water quality for human health and the environment needs to consider the mandate in SBX7 1 establishing reasonable use and public trust as the foundation of the state's water policy. In addition, the DSC should consider the water quality standards established by the Regional Water Quality Control Boards for stormwater discharges into the Delta that cities and counties must meet. These standards may be impacted by water standards developed for ecosystem restoration.
Contra Costa County	July 2, 2010	Page A-22 - The policy objective to improve water conveyance and water storage needs to consider the state's intent to reduce reliance on the Delta in meeting the state's future water needs pursuant to Section 85021 of SBX7 1. This should be discussed under the basic legal authority for this policy objective.
Contra Costa County	July 2, 2010	Page A-25 - Advancing levee improvements during the next two years should be a major focus of the Interim Plan.
Contra Costa County	July 30, 2010	As a general comment, Contra Costa County believes it is premature to adopt procedures for review of certification of consistency with the Delta Plan .
Contra Costa County	July 30, 2010	If the DSC is committed to adopting procedures now for review of certification of consistency with the Delta Plan, it should include direction to staff to bring the matter back to the DSC for reconsideration once a Delta Plan has been prepared or adopted. At that time, the DSC should undertake direct outreach to affected agencies to obtain comments on these procedures. Direct outreach in the form of workshops would help affected agencies understand how the procedures would work and would allow affected agencies to provide more constructive comments to the DSC.
Contra Costa County	July 30, 2010	The DSC should consider an appeal fee in Procedure 6 to help recover costs
Contra Costa County	July 30, 2010	Augmentation of the administrative record in Procedure 10 should be allowed only if the DSC can demonstrate that the additional information was widely known and available to the agency making the decision. As currently drafted, it is not clear if the additional information needs to be widely known and available to the agency making the decision.
Contra Costa County	July 30, 2010	Procedure 15b should be corrected to reference Water Code Section 85225.25.
Contra Costa County	July 30, 2010	The procedure should limit the number of times a covered action can be appealed to the DSC. Procedure 15b leaves open the possibility that the same action can be appealed without limit.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Contra Costa County	July 30, 2010	The process for determining that the BDCP meets the requirements of 85320 needs to be more transparent to the public...Procedures to add prior to receipt of the Department of Fish & Game's determination include...Require an agreement with the Department to formalize a commitment between the parties to work collaboratively in preparation of the BDCP and related environmental documents... Responsibilities include coordination with the lead agencies on meeting the requirements of 85320, providing preliminary deliverables and technical analyses for review and comment by the Independent Science Board and DSC consultants, and funding the DSC responsibilities under 85320...Require the Department to include an indexed administrative record with its determination of the BDCPs consistency with 85320...Require a draft determination of consistency be made available to the DSC to give members of the public an opportunity to review and comment on it prior to its submission to the DSC and to include such comments in the administrative record accompanying the determination of consistency.
Contra Costa County	July 30, 2010	The OSC should have the ability to request additional information on the determination of consistency in the event there is no appeal. The new procedure would be of value after the DSC has received the determination, and prior to including the BDCP in the Delta Plan.
Contra Costa County	July 30, 2010	The DSC should consider procedures for reviewing and commenting on potential covered actions that may be initiated before the Delta Plan is adopted.
Contra Costa County	August 3, 2010	Policy Objective a) Manage the Delta's water and environmental resources and the water resources of the state over the long term. Cooperate with the State Water Board and the Department of Water Resources (DWR) in reviewing the status of water transfers in the state.
Contra Costa County	August 3, 2010	Policy Objective (d) Promote statewide water conservation, water use efficiency, and sustainable water use. Seek cooperation with Federal agencies on developing recommendations to improve the efficiency of water use by agriculture.
Contra Costa County	August 3, 2010	Policy Objective (g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection...Develop recommendations to improve the process by which DWR administers the Delta Levees Subventions and Special Projects Programs. These levee programs are not a sufficient priority for the voter-approved bond funds for flood control, generated by periodic sales. State budget appropriations are not maintained at consistently high levels with a multi-year budget to enable loans for the local cost-share to be granted for longer-term (multi-year) projects
Contra Costa County	August 3, 2010	Policy Objective (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives. Prepare a detailed work plan that will cover the tasks of the DPC between now and 12/31/11.
Contra Costa County	August 3, 2010	Policy Objective (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives...Prepare a response to comments received on the Interim Delta Plan.
Contra Costa County	August 3, 2010	Policy Objective (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives...Add the activities of the workgroups, the Independent Science Board, and the committee established pursuant to § 85204 to the DSC's activities for preparing the Delta Plan.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Contra Costa County	August 3, 2010	Policy Objective (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives...Monitor environmental notices for projects that occur in the DSC planning area. Notify the Office of Planning and Research that environmental notices it receives for projects within the legal Delta and the Suisun Marsh should be sent to the DSC to fulfill its obligations...
Contra Costa County	August 3, 2010	No mention is given in the Interim Plan on the degree to which water supply demands on the Delta Watershed have been allowed to exceed the watershed's capacity. This factor should be added to the list of factors that begin at the bottom of page two. Add the following text (which is from the Delta Vision Strategic Plan)...California state government cannot guarantee that deliveries under every water contract will be made in full every year; certainly not as long as the water supply is over subscribed. The State Board reports that the face value of existing water rights permits in the Delta watershed is more than eight times the average annual unimpaired flows in the watershed. Face values overstate actual water use for several reasons, but noting that pre-1914 and riparian rights are additional to these numbers suggests that the water resources of the Delta watershed are greatly over subscribed. The State Board also has 4.2 million acre-feet of new water rights applications pending in the watershed-the equivalent of more than two-thirds the water that passes through the Delta annually. While some of these applications will not be pursued and others are unlikely to be approved, the level of existing demands further illustrates how acute the call on Delta water will be in future.
Contra Costa County	August 3, 2010	Add the following sentence after the first sentence in the second bullet on Page 4...The Delta channels themselves serve as vital infrastructure to get surplus water from the North Delta to the export pumps in the South Delta.
Contra Costa County	August 3, 2010	Page 12 indicates that "to assist in meeting its responsibilities as a responsible agency and its appellate role for the BDCP, the Council has defined its role in relationship to the BDCP steering committee and is selecting a consultant to provide advice specific to BDCP." The Interim Plan should add text describing the role the DSC has defined for itself in relation to the BDCP.
Contra Costa County	August 3, 2010	Page 29 states that the DSC, in consultation with the Central Valley Flood Protection Board is to recommend in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and non-project levees. Of the potential levee classifications under development shown in Table 4-1, none of the classifications identify the levees that support through-Delta conveyance as infrastructure. This table implies the only levee class suitable for protecting infrastructure is an urban levee. The levees that convey water from the North Delta to the South Delta for export are all located in areas with agricultural land use. The following text should be added to Page 29 that describes the DSC intent to include in the Delta Plan a levee class for this infrastructure...Delta Conveyance Channels: The western Delta islands, Victoria Island and other central Delta islands are in strategic geographic locations and protect the state's water supply. Their location, size and shape prevent salinity intrusion, protect the Mokelumne Aqueduct and afford Contra Costa Water District, State Water Project and Central Valley Project access to relatively fresh water. These non-urban islands are preserved by local reclamation districts. Failure of the levees would not only affect the farms, roads, railroads, and pipelines located on these islands, but also the water supply reliability and water quality for over 23 million Californians. It will be many years before an isolated conveyance facility could begin operation so securing the existing configuration of these islands needs to be a top levee investment. A specific approach to protecting these islands needs to be developed that acknowledges services and values they support.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Contra Costa Water District	July 26, 2010	The Delta Plan and Interim Plan must be about actions to improve the Delta...the Interim Plan should include interim projects that were identified by the Delta Vision Strategic Plan and elsewhere in addition to those listed in SBX7-1...We urge you to do everything in your power to ensure that these 'early actions' transition from concepts to implementation to make good on the commitment to the co-equal goals.
Contra Costa Water District	July 26, 2010	The Council and the Delta Plan should include actions that address the low quality (salinity and other pollutants) of drainage and wastewater into the Delta, including drainage from the San Joaquin River, and commit to actions that will improve water quality in the future. The Council and Plan should commit to ensuring the improvement of the quality of wastewater discharged into the Delta from all sources.
Contra Costa Water District	July 26, 2010	For the Interim Delta Plan to be a credible roadmap, the background descriptions that are included must be accurate. There are a number of errors that should be rectified. For example, the current draft states that peak flows in the Delta occur during the summer. In fact, peak flows occur during winter and spring.
Contra Costa Water District	July 26, 2010	Page 2 - [Text edits related to levels of dissolved organic carbon and salinity]
Contra Costa Water District	July 26, 2010	Page 3 - [Text edits related to inflow patterns and historical presence of freshwater prior to Delta channelization and upstream diversions]
Contra Costa Water District	July 26, 2010	Page 3 - [Text edits related to entrainment potential and pumping patterns]
Contra Costa Water District	July 26, 2010	Page 4 - [Text edits related to aquatic habitat]
Contra Costa Water District	July 26, 2010	Page 5 - [Text edits related to past efforts to obtain approvals for the Peripheral Canal]
Contra Costa Water District	July 26, 2010	Page 5 - [Text edits historical modifications of flow patterns in the Delta]
Contra Costa Water District	July 26, 2010	Page 8 - Add bullet for July 17, 2007 Speech: Governor Directs Immediate Actions to Preserve the Delta and Our Water Supply - The list of immediate actions included during that speech: - Expand our invasive species control program - Small Delta diversions must be screened - Improving North Delta habitat that is important to smelt; specifically the Cache Slough Project. - Proceeding with a Delta Emergency Response and Preparedness Plan - Subsidence management in the Delta
Resident of the Delta	April 15, 2010	I am writing to request at least one meeting of the Delta Stewardship Council to be held in Clarksburg
Delta Area Mosquito Control Agencies	August 3, 2010	Regarding the policy objectives in Section 85020:(c)...It is recommended that the Interim Plan include the language in Policy 10 (P-10) of the Natural Resources section of the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta, adopted February 25, 2010. P-10 states: Ensure that design, construction, and management of any flooding program to provide seasonal wildlife and aquatic habitat on agricultural lands, duck club lands and additional seasonal and tidal wetlands, shall incorporate "best management practices" to minimize vectors including mosquito breeding opportunities, and shall be coordinated with the local vector control districts, (each of the four vector control districts in the Delta provides specific wetland/mosquito management criteria to landowners within their district.)
Delta Area Mosquito Control Agencies	August 3, 2010	Regarding the policy objectives in Section 85020:(h)...The draft interim plan addresses cities and counties as forms of local government. In California, independent special districts are also forms of local government. It is recommended that independent special districts be recognized as local governments for the purposes of the interim plan.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Delta Area Mosquito Control Agencies	August 3, 2010	Regarding the policy objectives in Section 85020:(g)...Most mosquito breeding locations in the Delta are a result of man-made aquatic features. Placing future man-made aquatic features away from planned developments, or placing planned developments away from man-made aquatic features will reduce the risk of mosquito infestations in high density human use areas, thus reducing the risk of mosquito-borne diseases being transmitted to humans.
Delta Counties Coalition	July 2, 2010	The Coalition urges the Council to integrate the Delta Protection Commission Land Use and Resource Management Plan (RMP) into the Interim Delta Plan given its status as the only comprehensive land use document covering the entire Primary Zone of the Delta.
Delta Counties Coalition	July 2, 2010	It will be critical for the Interim Delta Plan to closely coordinate work with that of the Central Valley Flood Protection Board (CVFPB) because of the existing flood risks in the Delta and the immense negative impact of inattention to these issues. The number of levees and other flood control facilities in the Delta makes coordination of both plans key to water management success in the region.
Delta Counties Coalition	July 2, 2010	The Interim Delta Plan must take into consideration the impacts of State Water Resource Control Board and Regional Water Quality Control Board actions on Delta water supplies, particularly where habitat restoration efforts will change existing water quality, and ensure full mitigation is available for local governments responsible for enforcing water quality mandates.
Delta Counties Coalition	July 2, 2010	...the Interim Delta Plan must reinforce the obligation of the United States Bureau of Reclamation and the Department of Water Resources, which operate the for the Central Valley Project and State Water Project, to meet salinity standards for water quality within the Delta.
Delta Counties Coalition	July 2, 2010	The Interim Delta Plan should support dedicated funding for agencies that are responsible for Plan activities such as the Delta Protection Commission (DPC), the State Water Resources Control Board (SWRCB) and the Department of Fish and Game (DFG) among others.
Delta Counties Coalition	July 2, 2010	The Coalition objects to the moratorium indicated by the statement: “No state or local agency should undertake or approve a project that is potentially a covered action until the Delta Plan is adopted, unless the project is included in the specific exclusions enumerated in SBX7 1.” All five Delta counties agree that consulting the Council of pending projects would be warranted, but a full moratorium until January 2012 seems unnecessary.
Delta Counties Coalition	July 2, 2010	Opportunities for public engagement in the development of the Interim Delta Plan should be communicated widely and immediately and include counties, cities, reclamation districts and other local agencies located within the Delta.
Delta Counties Coalition	July 2, 2010	...the Interim Delta Plan should be based on sound science and be peer-reviewed to ensure credibility, accountability and transparency in this important process.
Delta Counties Coalition	July 30, 2010	...the Coalition has significant concerns about the “Administrative Procedures Governing Appeals” process including the potential for unnecessary project delays and substantial burdens on local governments.
Delta Counties Coalition	July 30, 2010	The Interim Delta Plan should include criteria to guide the Council’s decisions on review and approval of Proposition 1E expenditures. In addition, the Interim Delta Plan should state that the Council does not plan to make recommendations for other funding sources outside of Proposition 1E.
Delta Counties Coalition	July 30, 2010	The Coalition strongly recommends that the Interim Delta Plan specifically address how the State will reduce reliance on the Delta as a source of water for municipal and agricultural purposes in both the near- and long-term.
Delta Counties Coalition	July 30, 2010	The Delta Plan should coordinate with all other ongoing related efforts including but not limited to the Central Valley Flood Protection Plan, the Bay-Delta Conservation Plan and the Delta Islands Levees Feasibility Study.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Delta Counties Coalition	July 30, 2010	...the Interim Plan should: Preserve the Delta Levee Maintenance Program...Recognize that different levels of flood protection and levee structural integrity are appropriate for different land uses...Fund the State Subventions Program at higher levels (with a multi-year funding commitment) and expedite the process for reimbursement to make this program workable...Promote and maintain ongoing pre-placement of emergency rock stockpiles for levee repair is vital.
Delta Counties Coalition	July 30, 2010	The Interim Delta Plan should provide for coordination between DWR, FEMA and relevant local agencies, including the counties relative to levels of flood protection for Legacy communities to allow those communities to have economic sustainability.
Delta Counties Coalition	July 30, 2010	The Interim Delta Plan should stress the importance of agricultural economic development, as well as recreation, to the local economy and communities.
Delta Counties Coalition	July 30, 2010	...the Coalition strongly encourages the Council to integrate the latest draft of the Delta Protection Commission's Land Use and Resource Management Plan.
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...Provide legislative direction to DWR to separate out specific funds from the IRWMP process and dedicate those funds to the development of recycled water and desalination projects. The funds could be directed to the SWRCB...
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...direct the responsible agency (i.e. SWRCB) to establish a partnership with the U.S. Bureau of Reclamation to use the same competitive grant funding process between the state grants program and the federal Title 16 funding program.
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...Establish a strong partnership with the six federal agencies that executed the "Interim Federal Action Plan for the CA Bay-Delta" on December 22, 2009. Among other things, the federal plan calls for the examination of the funding availability for recycled water projects through the Title 16 program as well as identifying 5 demonstration projects in the Delta.
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...Create a program to study and then implement resource recovery projects with wastewater treatment plants...Those "waste" water flows should not be simply treated at a minimum level to meet discharge standards, but treated to a higher desired level of reuse... Particular focus should be given to diversions that take place in the Delta, then used, then treated and discharged back into the Delta...The other 0.1% of wastewater treatment plant inflow has significant resources available including energy and nutrients such as phosphorus, nitrogen, etc that should be harvested for use rather than disposed of...
Delta Protection Commission	May 10, 2010	...it is paramount that the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) serve as a basis from which to build upon for the development of both an interim as well as final Delta Plan for the Delta.
Delta Wetlands Project	May 12, 2010	Our suggestion is that the Council establish a procedure, within its interim plan, for adding projects to the list of interim actions. This procedure could be applied immediately to projects that are ready but for some reason were not included in the legislation. The same procedure could be used as needed during the interim period to include projects that become ready and can advance the Council's objectives without waiting for adoption of the Plan or consuming significant Council resources.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Delta Wetlands Project	May 12, 2010	Projects being considered for addition to the list of interim actions should meet many, if not all of, the following criteria designed to assure their consistency with Council objectives:...have a final California Environmental Quality Act document... Projects should not hinder, and should preferably contribute to meeting the Co-Equal Goals and other goals of the Delta legislation...Projects should be consistent with, or not compromise or interfere with, programs and actions being considered by the Bay Delta Conservation Plan (BDCP)...Projects should, preferably, advance other public policy goals...Projects that are subject to subsequent, substantive environmental and regulatory review and approval where such environmental review and approval process will consider the Council's interim plan and other guidance...Projects should be user or beneficiary financed.
Delta Wetlands Project	May 12, 2010	We suggest that the Council be able to add to the list of interim actions on their own motion. We further suggest that project proponents be able to propose that their project be added to the list of interim actions by submission of a self-certification of consistency with the above criteria, subject to Council review and approval.
Delta Wetlands Project	August 5, 2010	For that reason we also were pleased that you included review of the Delta Wetlands Project in your sample work plan and we look forward to developing a detailed work plan with the Council.
The Dolphin Group	June 3, 2010	Just wanted to make sure you saw the most recent letter to CDFG on striped bass from NMFS [5/13/2010 Letter California Fish and Game Commission]...Very powerful letter. Does anyone in the administration think this is a priority and maybe deserves some action?
East Bay Municipal Utility District	July 28, 2010	The Council, supported by the Independent Science Board, should carefully evaluate the impacts and mitigation associated with the proposed construction and operation of the dual conveyance system being considered by the Bay Delta Conservation Plan (BDCP) to ensure that the impacts are fully mitigated by the project proponents.
East Bay Municipal Utility District	July 28, 2010	A long term strategy for levee investment is critical, and must be based on a comprehensive risk assessment...The Council should maintain current state levee programs, including both Special Projects and Subventions, and at the same time initiate an evaluation of the effectiveness of those programs.
East Bay Municipal Utility District	July 28, 2010	The Council should immediately commence work on identifying beneficiaries in the Delta watershed, and analyzing the differential benefits that will accrue to those beneficiaries from the Delta Plan...the Council should begin now to develop a detailed proposal for a funding mechanism that truly reflects the beneficiary pays principle. EBMUD urges the Council to recognize that not all entities within the Delta watershed will receive comparable benefits under the Delta Plan. For example, only a subset of water users will enjoy 50-year operating permits if the BDCP is adopted into the Delta Plan, and this substantial benefit should be reflected in any broad fee schedule.
East Bay Municipal Utility District	July 28, 2010	The Two Gates Fish Protection Demonstration Project...is intended to keep Delta smelt away from south Delta pumping; however, it may affect salmonids that migrate through the Delta, including salmon and steelhead that migrate to and from the Mokelumne River. EBMUD requests that the Council recommend and assure full funding of a robust fishery monitoring component to verify whether the project's contemplated benefits are achieved in the field. This should be coupled with a commitment to utilizing those results in an adaptive management process that is clearly described before the project is approved and implemented ..
East Bay Municipal Utility District	July 28, 2010	...we suggest that the Council explicitly acknowledge that the ecosystem flow criteria presented in the SWRCB report entitled, "Development of Flow Criteria for the Sacramento San Joaquin Delta Ecosystem," did not balance other water uses with ecosystem needs, as would be required for a public trust analysis. More information should be included that describes the nature of SWRCB's preliminary analyses and potential next steps...

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
East Bay Municipal Utility District	July 28, 2010	...the Two Gates Fish Protection Demonstration Project ...must include a substantial fishery monitoring component to verify whether its contemplated benefits are achieved in the field, and then commit to utilizing those results in an adaptive management process that is clearly described before the project is approved and implemented.
East Bay Municipal Utility District	July 28, 2010	The Council and the Independent Science Board should also actively review and provide input on the ecosystem restoration elements proposed in the Bay Delta Conservation Plan during the Interim Plan period, including independent review of the science supporting the ecosystem actions, confirming who is responsible for implementation and funding of the proposed actions, and reviewing the sufficiency of adaptive management. The BDCP proponents are not proposing to pay for the ecosystem elements and the Council should be thinking in advance about how BDCP may be incorporated into the Delta Plan, including financial responsibility aspects.
East Bay Municipal Utility District	July 28, 2010	We suggest that the Council solicit regular updates or presentations on conservation and water use efficiency during the Interim Plan period to better understand advancements, challenges and outstanding issues, including progress reports on efforts to reduce per capita water use 20% by 2020 as called for by the November 2009 Delta legislative package.
East Bay Municipal Utility District	July 28, 2010	EBMUD encourages the Council and the Independent Science Board (ISB) to engage in critical areas of scientific uncertainty regarding water quality impacts (pg. 29). Water quality is a prime example where stakeholders are not in agreement on the effects of point and non-point discharges on the Delta ecosystem, and where the Council and ISB may provide a useful forum for discussing what studies and activities to implement.
East Bay Municipal Utility District	July 28, 2010	The Council's Interim Plan and Delta Plan should include a principle stating that the proponents of new Delta conveyance should be responsible for an appropriate share of the flows (pg. 28) required for the Delta ecosystem
East Bay Municipal Utility District	July 28, 2010	...the Council should continue to support levee improvements that are ongoing through the Special Projects Program and Delta Levee Subvention Program administered by the Department of Water Resources...
East Bay Municipal Utility District	July 28, 2010	Emergency preparedness actions should be added to the Interim Plan.
East Bay Municipal Utility District	July 28, 2010	EBMUD agrees that listing or cataloging current financial information would be helpful, and also suggests a careful analysis of the extent to which various interests in the Delta watershed benefit from the activities covered by the Delta Plan.
Environmental Defense Fund	May 12, 2010	Fundamentally, we are concerned that the current outline for the Interim Plan is too broad. The Delta Stewardship Council runs the risk of failing to address the most critical objectives if it does not pursue key areas of importance with vigor.
Environmental Defense Fund	May 12, 2010	Levee reliability and emergency response:...The Council has the responsibility to pursue two courses of action - one to prioritize a long term for levee repair and one to respond in the event of an outage...It is critical that these efforts proceed with all due speed as many of the Delta's levees are indeed vulnerable.
Environmental Defense Fund	May 12, 2010	Other Stressors: ...The Delta Stewardship Council should play a key role in coordinating the various research efforts and helping to focus recommendations for restoring fish populations while continuing to deliver reliable supplies of water.
Environmental Defense Fund	May 12, 2010	The Bay Delta Conservation Plan:...It is the Council's responsibility to provide this independent review of critical BDCP elements and prevent the process from adopting an infeasible plan.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Environmental Defense Fund	May 12, 2010	Reducing reliance on the Delta: The recent State legislation provides new tools to help California reduce reliance on the Delta for water supply...These provisions, however, require agencies...to work closely with water agencies and farmers to produce tangible results. The Council must provide close oversight to make sure these opportunities are realized and maximized.
Environmental Defense Fund	May 12, 2010	Finance:...For restoration projects and other activities that do provide broad-based benefits and thus warrant public expenditures, Environmental Defense Fund recommends the Council consider assessing a fee based on the volume of water extracted from the Delta and the rivers that feed it.
Glenn-Colusa Irrigation District	May 12, 2010	...the relatively short time frame within which the Delta Plan will be developed necessitates a streamlined and more abbreviated Interim Delta Plan.
Glenn-Colusa Irrigation District	May 12, 2010	The Interim Delta Plan should include guidelines for consistency determinations until the final Delta Plan is developed. These guidelines should create a usable framework that local and state agencies can readily employ when determining whether a project is a "covered action" and whether a project is consistent with the Interim Delta Plan.
Glenn-Colusa Irrigation District	May 12, 2010	The Council should continue to monitor ongoing processes that potentially impact the Delta and the achievement of the co- equal goals and, where appropriate, provide comments and recommendations in those processes.
Glenn-Colusa Irrigation District	May 12, 2010	...the Council should not impede the work currently underway by existing agencies, but should instead constructively participate by providing appropriate recommendations to further the co-equal goals.
Glenn-Colusa Irrigation District	May 12, 2010	The Council should proceed with developing the Interim Delta Plan with the recognition that it needs to be developed relatively quickly, and that certain of the proposed items for consideration are already being undertaken and/or are within the jurisdiction of other agencies.
Glenn-Colusa Irrigation District	May 12, 2010	The Plan Outline should be reorganized to identify and address Delta Plan priorities to focus on issues, projects, and plans within the legal Delta in the early portions of the Plan, and follow with consideration of other related activities outside the Delta. For example, Item VI (Reduce risks to people ...), should be a high priority of the plan and should be identified as such, compared to Item IV (Promote Statewide conservation), which should be a lower priority. The current draft outline mirrors the ordering in the statute but the [Interim] Plan itself should be reorganized to identify high-priority issues first.
Glenn-Colusa Irrigation District	May 12, 2010	The Interim Delta Plan should promote regional sustainability as the cornerstone for water management in California, which is an effective mechanism to achieve statewide reliability. However, the Plan should recognize and provide assurances to regions that are currently self sufficient that future efforts to achieve statewide reliability will respect the importance of existing regional sustainability and not preclude these regions from maintaining their self-sufficiency.
Glenn-Colusa Irrigation District	May 12, 2010	There should also be a recognition that achievement of the co-equal goals should not be at the expense of other areas of the State that are currently managing water supplies and environmental resources in a sustainable manner consistent with the co-equal goals. This is particularly true with areas upstream of the Delta, where substantial time and money has been invested in environmental restoration and in dedicating water to environmental uses.
Glenn-Colusa Irrigation District	May 12, 2010	The Delta Protection Commission's resources management plan should become a part of the Interim Delta Plan.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Resident of Discovery Bay	May 9, 2010	How in the world is it possible to proceed with a project of this magnitude when no environmental impact report has been done? It is terribly concerning to have a program such as this being actively pushed by the Los Angeles Metropolitan Water District and major agri-businesses in the central valley, both of whom will be the direct beneficiaries of this proposal, with no attempt being made to balance this proposal with direct representation on any of the committees charged with moving this project forward with any persons who share the concerns of those of us who live in the delta and will bear the full impact of lowered water quality if the project proceeds. Why the rush?
Ironhouse Sanitary District	May 18, 2010	ISD has closely monitored the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta, both the 1995 Plan and the revised Management Plan in February 2010. It is important that the Management Plan serve as a basis for developing an interim as well as final Delta Plan.
Ironhouse Sanitary District	July 16, 2010	Page 29 of the Second Draft Interim Plan references a "Map and Table of Current Levee System Integrity"...Where is the Map showing these two levee classifications?
Ironhouse Sanitary District	July 16, 2010	Page 37 is a Land Use Map. Please confirm that the Land Use Classification for Jersey Island is "IA Intsv Ag/Infra."
Ironhouse Sanitary District	August 3, 2010	Page 29 of the Second Draft Interim Plan references a "Map and Table of Current Levee System Integrity"...Where is the Map showing these two levee classifications?
Ironhouse Sanitary District	August 3, 2010	Page 37 is a Land Use Map. Please confirm that the Land Use Classification for Jersey Island is "IA Intsv Ag/Infra."
Commenter	July 30, 2010	I was hoping to find the citation for the Washington statute regarding best available science that staff referred to in the Council meeting.
Resident of Delta	May 8, 2010	The goal to "Build facilities to improve the existing water conveyance system and expand statewide storage" seems short-sighted and appears to focus on expanded pumping out of the Delta to provide needed water to other areas of the state. Instead, the first step of the plan should be to determine the amount of flow required to maintain a healthy Delta ecosystem. Once that is determined, the rest of the plan can be finalized.
Resident of Delta	May 8, 2010	This plan needs to identify and include other steps such as the Tulare Lake Basin project, reducing evaporation from the Aqueduct, desalination plants, agriculture conservation, and groundwater clean-up.
Resident of Delta	May 8, 2010	Recognition of the Delta as a home to millions and an economic basis for the communities (local agriculture, fishing, boating, home values, local businesses) needs to also be specifically considered and supported by this plan.
Resident of Delta	May 8, 2010	"Support for agriculture" should include maintaining farmers' priority water rights.
Resident of Delta	May 8, 2010	Programs to encourage farmers to switch to crops needing less water, eliminate farming on selenium-filled land and eliminate reselling water rights should be added to this plan.
Resident of Delta	May 8, 2010	...the numerous objections raised by citizens to the 2-Gates project including the safety of the gates (recreational and commercial boater safety and issues from blocking marine and fire safety vessels) are substantial concerns. The 2 Gates project as it was originally scoped in the USBR FONSI should not be included in this plan.
Resident of Delta	July 25, 2010	The plan also needs to address prohibiting transfer of water from farmers to urban developments
Resident of Delta	July 25, 2010	We also need to monitor ground water usage to understand the status of the aquifers and the amount of water used in agriculture from the Delta versus ground water.
Resident of Delta	July 25, 2010	First, this version of the plan has many more points included that show consideration for the Delta Communities and the goal for a state water plan for regional self-sufficiency. That is to be applauded.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Resident of Delta	July 25, 2010	Interim Plan Processes Page 6, Bullet 1 · <i>Provisions for amendment at the Council's discretion.</i> This should be reworded that amendments also need to be approved by the Delta Conservancy Board, not just recommendations from the Council alone...
Resident of Delta	July 25, 2010	The plan should include what priority meeting Delta water flows will have. The recent scientific report stated, as has been known for years, that the primary stressor for the Delta is water exports. Yet exports continue and are increased. It's all well and good to know what is required for the health of the Delta – what responsibility does the plan have to address and meet the needs.
Resident of Delta	July 25, 2010	#6 Finance Plan. This bullet should be made more definitive. A plan cannot go forward without at a minimum an estimated Finance Plan...Recommend rewording to: The Interim Plan will provide a cost estimate of the projects and efforts included in the plan, indicating the level of confidence in each estimate and date when detailed cost data is anticipated. Anything less would be inadequate.
Resident RD 999	July 1, 2310	LETS BE HONEST HERE. THIS IS ABOUT WATER. THIS IS ABOUT MOVING WATER. MOST OF THE WATER MOVED. THE GREATEST PERCENTAGE OF IT IS FROM SHASTA AND OROVILLE DAMNS. THAT ACTION OF CONVEYANCE. MOVING WATER THROUGH THE DELTA TO PRIMARILY PLACES LIKE WESTLANDS WATER DISTRICT AND METROPOLITAN WATER DISTRICT WAS FORCED UPON PEOPLE IN THE DELTA THE WATER IN THOSE DAMNS PREVIOUSLY CAME DOWN THE RIVER IN THE WINTER OF WHICH OVER 80 PERCENT OF IT WENT INTO THE BYPASS TO PREVENT FLOODING OF OUR STATE CAPITAL AND THE DELTA IF YOU LOOK IN THE SACRAMENTO BEE THIS MORNING YOU WILL SEE THE COMBINED INFLOW INTO THOSE DAMNS TODAY IS JUST OVER 9800 CUBIC FEET PER SECOND THE COMBINED OUTFLOW BECAUSE THEY ARE RUNNING THE PUMPS AT BANKS AND TRACY IS 29588 CUBIC FEET PER SECOND. THAT IS MORE THAN 3 TIMES WHAT THE FLOW OF THE SACRAMENTO RIVER HAS BEEN THIS TIME OF YEAR FOR THE LAST OH LETS SAY THOUSANDS OF YEARS...WE IN THIS DISTRICT NOT ONLY UNDERSTAND WHAT A SLUFF IS BECAUSE WHEN JUDGE WANGER SAYS STOP THE PUMPS AND THE FLOW IN THE RIVER DROPS BY 2/3 RDS WE SEE THE SLUFFS HAPPEN. TO BE GOOD STEWARDS SOMEONE HAS TO BE RESPONSIBLE. I AM LOOKING AT YOU TO MAKE SURE THE APPROPRIATE PEOPLE HAVE CONCEQUENCES FOR THEIR ACTIONS THAT EFFECT THE DELTA.
Mosquito and Vector Control Association of California	May 11, 2010	As your Council moves forward on addressing the Delta from an overall statewide perspective, we feel it is essential that the members have a clear understanding of public health practices related to mosquito and vector control.
Northern California Water Association	May 11, 2010	NCWA urges the Council to focus that interim plan on actions that either: (1) can be implemented and produce benefits before the final Delta Plan is due on January 1, 2012; or (2) address immediate risks that could result in serious problems before that time.
Northern California Water Association	May 11, 2010	To be effective, however, the Council must resist this temptation and focus its interim plan on those measures on which the Council can make, or can catalyze, significant progress in the next two years...making measurable progress on important, specific measures would be a key first step for the Council. In contrast, adopting an overly broad interim plan could result in the Council being forced to expend a great deal of time on consistency appeals.
Northern California Water Association	May 11, 2010	The approach of focusing the interim Delta plan on key tasks on which progress can be made quickly is supported by the fact that many studies of the Delta are pending and should produce significant information that the Council may consider in developing its long-term Delta plan.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Northern California Water Association	July 1, 2010	...it is critical that investments in the Plan contribute as much as possible to the implementation of the co-equal goals. Concentrating on programs and projects in the Delta will properly direct these resources to where they are needed most at this time.
Northern California Water Association	July 1, 2010	First, there are important legal principles that guide sustainability in the Sacramento Valley and which were confirmed in the legislation. These provisions recognize the ability to use water within the areas, watersheds and counties of origin described in Water Code §85031 and the water right priorities in Water Code sections 85031 and 85032. These protections provide Sacramento Valley water users with the water supply certainty that allows them to participate in programs to improve the Delta ecosystem and enhance water supply reliability in other areas of the state.
Northern California Water Association	July 1, 2010	Second, entities and individuals throughout the Sacramento Valley have seriously pursued progressive water management over the past several decades to manage water resources in a regionally sustainable manner for the benefit of farms, communities, fish and wildlife...As a result of these measures, water is increasingly managed in an integrated manner throughout the region and overall water use in the Sacramento Valley has not increased during the past 40 years.
Northern California Water Association	July 1, 2010	Most importantly, integrated regional water management plans reflect the regional values placed on water resources and they build upon the region's water rights and supplies within the state's watersheds of origin to ensure the region can remain self sufficient and provide sustainable supplies—both now and into the future...We therefore urge the Council to encourage and help facilitate regional sustainability in accordance with state policy.
Northern California Water Association	August 3, 2010	...it is important for the Council to view the report [the State Water Resources Control Board (SWRCB) Delta Flow Criteria Report] in light of the best available scientific information regarding the actual impacts and consequences of implementing the potential Delta flow criteria that is contained in the SWRCB Report.
Northern California Water Association	August 3, 2010	The interim Delta Plan therefore should not incorporate the SWRCB's Delta flow criteria, or use those criteria as a tool for measuring any relevant factor, because those flow criteria are not consistent with the coequal goals that are the fundamental principles that guide all of the Council's work...the Council should seek to add such value by identifying and encouraging non-flow measures that are outside the SWRCB's jurisdiction that would significantly improve Delta ecosystem conditions.
Northern California Water Association	August 3, 2010	DWR's Water Supply Modeling further demonstrates that the SWRCB's Delta flow criteria cannot possibly help achieve the coequal goals because their implementation would devastate not only water supplies throughout California, but also would have very significant negative impacts on stream conditions that support fish that migrate through the Delta and are therefore part of its ecosystem.
Northern California Water Association	August 3, 2010	The consequences of implementing the SWRCB's Delta flow criteria would be so severe for both water supplies and tributary fisheries that their implementation would not only be inconsistent with the coequal goals, but in fact would violate California's constitutional "reasonable use" standard...For these reasons, the interim Delta Plan should not incorporate, or rely on as a tool for measuring progress toward the coequal goals' achievement, the SWRCB Report and the potential Delta flow criteria it contains.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Northern California Water Association	August 3, 2010	The Council's unique role is to identify measures that can be taken by other agencies to improve Delta conditions, to encourage agencies to take those measures and to ensure that agencies' relevant activities are coordinated. The Council can begin this work immediately by identifying the stressors to Delta species that are outside of the SWRCB's jurisdiction, identifying the agencies with the legal authority to address those stressors and catalyzing actions by those agencies to address those stressors. For example, the Council immediately could seek to prompt the Fish and Game Commission to stop encouraging growing populations of striped bass – a major predator of juvenile salmon – by incorporating such an action into the interim Delta Plan.
North Delta Water Agency	May 12, 2010	The Council should put a greater emphasis on including Delta residents in the development of a Delta Plan. There is a great deal of local Delta knowledge, experience, and consensus that can be utilized, but is not.
North Delta Water Agency	May 12, 2010	Any Delta solution must include guarantees that lands within the North Delta Water Agency will continue to receive both the quantity and quality of water guaranteed under the 1981 Contract.
North Delta Water Agency	May 12, 2010	Any solution must also respect statutory water supply guarantees applicable to other areas of the Delta, including but not limited to the Delta Protection Act...and the area of origin laws...
North Delta Water Agency	May 12, 2010	We strongly support the proposal in the preliminary draft outline to "continue levee subvention program." However, we hope the discussion of how to coordinate and integrate flood protection planning efforts with Delta restoration efforts will be elevated above emergency preparedness and dispel the myth that Delta levees are fragile and prone to massive failure. The Council needs to be the entity to integrate the BDCP and Delta flood management efforts, particularly with the Central Valley Flood Protection Plan.
North Delta Water Agency	May 12, 2010	We encourage the Council to develop a feedback loop for addressing local concerns, which is critical to the success of BDCP projects or implementation of a Delta Plan.
North Delta Water Agency	May 12, 2010	The scientific basis for proposed actions in the Delta needs to be established, documented, and independently verified.
North Delta Water Agency	May 12, 2010	BDCP and Delta legislation have largely failed to utilize local Delta knowledge, experience, and consensus. We strongly encourage the Council to not make the same mistake.
North Delta Water Agency	May 12, 2010	The Delta Plan should make it clear that habitat restoration projects in the Delta implemented through the Delta Conservancy or the BDCP should involve only willing seller landowners.
North Delta Water Agency	May 12, 2010	The Delta is being asked to bear burdens of the loss of productive farm land, local taxes, and water quality, however the benefits are accrued by regions outside the Delta. The Delta region is saddled with unmitigated impacts and a disproportionate burden under the BDCP, yet receives none of the benefits. The Delta Plan needs to address and resolve this inequity to avoid further conflict and gridlock.
North Delta Water Agency	May 12, 2010	Landowners and water users should be protected from short-term and long-term "collateral damage" arising from Delta water conveyance infrastructure and habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure "take" authorization for existing, in-Delta covered activities...Third-party mitigations and assurances must be enforceable and permanently funded. As precedent, third-party protections were provided in the San Joaquin River Settlement.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
North Delta Water Agency	May 12, 2010	We recommend that Council's process include Delta input. It must be recognized that there are no "beneficiaries" in the Delta but that water users in the Delta may be harmed by BDCP actions. These water users need to be made whole. Compensation must include adequate, reliable, and permanent financing mechanisms (i.e. and endowment, annuity, or dedicated stream of revenue), especially for maintenance of habitat properties, neighboring land impacts, and for payment of all local in lieu taxes and assessments due to the local government agencies.
Planning and Conservation League	July 2, 2010	The Bay Delta Conservation Plan effort intends to have its preferred project identified during the Interim Plan period. Therefore the Interim Plan should state that the Delta Stewardship Council will provide guidance on the definition of "reliable water supplies" in the context of the two co-equal objectives.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to discuss the need for assured funding to meet the co-equal goal of protecting, restoring and enhancing the Delta ecosystem.
Planning and Conservation League	July 19, 2010	We reiterate the strong recommendation we provided on the First Draft Interim Delta Plan - give guidance on the meaning of "to provide a more reliable water supply for California."
Port of West Sacramento	August 2, 2010	Currently, the State of California and US Army Corp of Engineers, is funding a Federally Authorized project designed to improve air quality in Northern California, by reducing truck traffic and increasing the capacity of inland ports like the Port of West Sacramento. The channel deepening project is scheduled to continue in federal fiscal year 2011...Actions proposed in the Interim Plan should carefully analyze impacts on existing funding sources and agency alliances.
Port of West Sacramento	August 2, 2010	The Port of West Sacramento is a large land owner in the Delta region and operates dredge material deposition locations along the entire 26 mile length of the Ship Channel...The continued annual maintenance dredging and the proper storage of dredge materials are needed to keep the channel at the 35-foot operating depth. The Port of West Sacramento utilizes soils from dredge cells to supply materials to public works projects throughout the region including flood control projects and habitat restoration projects...Any actions proposed in the Interim Plan should carefully analyze the impact on any existing and proposed Port dredge material operations...the material may...provide an opportunity for the DSC and other state agencies...
Port of West Sacramento	August 2, 2010	...any changes in water flows into the Ship Channel or other engineering changes to the Ship Channel can have a negative impact on navigation, and any proposed changes need to be carefully analyzed to determine its impact navigability and operations at the Port.
Port of West Sacramento	August 2, 2010	The Port respectfully requests that the DSC take advantage of the work that has been done to date and continue the effort to strike a balance between Federal and State Requirements to ensure that projects like the Channel Deepening Project can be implemented in a timely manner within the Delta.
Pro-Troll	July 2, 2010	This letter is submitted on behalf of the California fishing and boating industries that are dependent on the Sacramento-San Joaquin Delta for their economic well being and survival. The first draft of the Interim Plan leaves these two industries out of the Plan as interested parties and stakeholders in the definitions of the "Delta as a Place"...We request that the following paragraph be added..."Secondary Delta zones also include the boating and salmon fishing industries. The primary operations of the \$1.4 billion salmon industry occur outside the Delta but are highly dependent on the Delta ecosystem. The Delta itself supports \$378 million in fresh water recreational boating and fishing activity."

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Resident of Clarksburg	July 19, 2010	Please post a redline version for the Third Draft of the Interim Delta Plan, which shows all of the changes from the Second Draft going to the Third Draft;
Resident of Clarksburg	July 19, 2010	Please include a detailed Table of Contents which lists all of the bold lettered section headings through all parts of the Interim Delta Plan.
Resident of Clarksburg	July 19, 2010	Please include sections, plans, processes, goals and specific desired outcomes to meet the objectives
Resident of Clarksburg	July 19, 2010	Please include the methods intended to include the County habitat and other environmental plans, even when in draft form-thus capturing the hard work of the counties, expert and residents who have worked so hard and long on these plans.
Resident of Clarksburg	July 19, 2010	Be sure to include sections from the Delta Protection Commission as will be required in the Delta Plan.
Resident of Clarksburg	July 19, 2010	Please include recommendations to avoid, reduce and mitigate impacts on the cultural and agricultural values of the Delta (this implies researching and stating those values after hearing them from the Delta residents).
Resident of Clarksburg	July 19, 2010	Include specific methods to address and respond to Delta community concerns regarding all proposed habitat plan development and implementation.
Resident of Clarksburg	July 19, 2010	Provide plans to coordinate with the plans of all local government units in the Delta.
Recreational Boaters of California	July 8, 2010	The recently-released first draft of the Delta Plan for the co-equal goals of a more reliable water supply and restoring the Delta ecosystem lists significant stakeholders who would be impacted by the plan - but fails to include the recreational boating community. We urge the Delta Stewardship Council to rectify this serious oversight.
Reclamation District No. 830	May 14, 2010	The Land Use and Resource Management Plan for the Primary Zone of the Delta identifies the values and trends that have the potential to influence the protection, preservation and enhancement of the valuable resources of the Delta. It is important that the Management Plan serve as a basis for developing an interim, a, as well as a final Delta Plan.
Reclamation District 999	May 12, 2010	It is imperative that the Delta Stewardship Council conduct a thorough collaboration with the interested public - with a focus on local stakeholders - on the content of the Interim Plan. The request for comments made at the DSC's April meeting and on its website is just a start, not an end, to the need for such collaboration.
Reclamation District 999	May 12, 2010	... the draft Interim Plan Outline ("enhance unique cultural, recreational, and agricultural values ...") should include a cross reference to the Delta Protection Commission's ("DPC") Economic Sustainability Plan being prepared pursuant to Public Resources Code, section 29759. by July 1, 2011. The DSC should collaborate with the DPC so that the content of the Interim Plan supports the DPC's efforts to develop an Economic Sustainability Plan.
Reclamation District 999	May 12, 2010	Section IV of the draft Interim Plan Outline ("Promote statewide water conservation, efficiency ...") is incomplete as it does not include a reference to any actual conservation efforts. Measures to conserve water exported from the Delta should be included in this section of the Interim Plan.
Reclamation District 999	May 12, 2010	The Interim Plan Outline also repeats and overemphasizes the importance of diversion reporting in the Delta.
Reclamation District 999	May 12, 2010	Section V of the draft Interim Plan Outline ("Build facilities to improve the existing water conveyance system and expand statewide storage ...") is inconsistent with the language within SB 7x 8...Reference to "building facilities" and "completing the BDCP" are premature at this juncture, especially if the DSC is an independent effort from the BDCP.
Reclamation District 999	July 2, 2010	The challenge for the Council will be to apply the best available science, in concert with unified nlanagement, in a manner that actually improves conditions on the ground. Delta communities face these challenges every day and want to support efforts to improve flood safety, community sustainability and environmental conditions.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Reclamation District 999	July 2, 2010	This disposition of our and other stakeholder comments was unclear and we would like to request an explanation of that process and identification of changes made to each draft as the process moves forward.
Reclamation District 999	July 2, 2010	The District also requests notice of and participation in focused work groups associated with the IP.
Reclamation District 999	July 2, 2010	The Legislation requiring the Interim Plan to be prepared did not specify timing for completion of the IP. The very brief and self-imposed deadline of August 27, 2010 for completion of the IP is too short to allow adequate public participation and incorporation of public comments. A minimum of a one month review period for each public draft is required if the Council is to give "full consideration of public input."
Reclamation District 999	July 2, 2010	The IP should rely more on the existing Delta Protection Commission's Draft Land Use and Resource Management Plan for the Primary Zone of the Delta ("RMP"), adopted in February 2010.
Reclamation District 999	July 2, 2010	The repeated reference to and reliance on the Delta Vision Strategic Plan...conflates the Council's legislative mandate with the policy direction contained in Delta Vision Plan.
Reclamation District 999	July 2, 2010	The background section of the Draft IP is inaccurate. (Draft IP, p. 7.) The Sacramento River and the San Joaquin River are the longest rivers. The Sacramento and the Klamath River are the two largest rivers by volume in California
Reclamation District 999	July 2, 2010	The Draft IP also misidentifies the economic statistic for State agricultural earnings by stating that the entire State's agricultural production is dependant on the Delta.
Reclamation District 999	July 2, 2010	The Draft IP also ignores the independent value of agricultural production within the Delta, which is much more sustainable than agriculture in arid parts of the state that rely on water imported from the Delta.
Reclamation District 999	July 2, 2010	Each Performance Measure and Target must be specifically identified in order for the plan to be comprehensible.
Reclamation District 999	July 2, 2010	Each section identifies the need for Best Available Science. The contemplated schedule for completion of the Draft IP, however, does not allow incorporation of science in to the IP.
Reclamation District 999	August 3, 2010	Please note that it is not clear from the documents provided, however, whether the District's previous comments (dated May 12, 2010 and July 2, 2010), as well as other public comments, were fully incorporated into the 2nd Draft ISP.
Reclamation District 999	August 3, 2010	For the Council's planning process to have legitimacy, and for the adopted Interim Plan must include the community's input. To accomplish this, the Council must actively engage stakeholders, inform interested parties, allow for considered comment, and be transparent. The District is committed to effective participation in this process with the Council. However, the District is concerned that the process for adoption of the ISP does not meet these minimum criteria.
Reclamation District 999	August 3, 2010	A thirty-day review period is a minimum, especially since the authorizing legislation did not include a specific time frame for adoption of the ISP.
Reclamation District 999	August 3, 2010	The 2nd Draft ISP inflates the amount of Delta water used for drinking water throughout the state. (2nd Draft ISP, pp. 1,4, referring to "nearly two-thirds of the state's population" and "25 million California residents".) The ISP should use a substantiated figure for the amount of Delta water actually consumed as drinking water (as opposed to agricultural and industrial uses) in the state, rather than relying on imprecise generalizations.
Reclamation District 999	August 3, 2010	The statement that "most Delta islands have flooded at least once" appears to be an incorrect generalization, and if it is correct, it requires a legitimate citation. (2nd Draft ISP, p. 8.) Moreover, if the condition of the levees is so perilous that major new water facilities are necessary, what is the constructive strategy to improve the levees?

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Reclamation District 999	August 3, 2010	Thus, the Early Implementation of Delta infrastructure, particularly levee improvements, is critical to the actual protection of the Delta. (2nd Draft ISP, pp. 29-32.) Though levee failure is described throughout the Plan as a threat, solutions are largely left undescribed.
Reclamation District 999	August 3, 2010	Additionally, improved bridges and roads are essential to the physical security of Delta residents and agriculture. Moreover, ecological improvements that can be supported by the community, and demonstration projects for habitat restoration that don't require setback levees, can also meet local needs and improve habitat conditions on the ground. Promotion of these types of infrastructure improvements should be discussed in the ISP.
Reclamation District 999	August 3, 2010	One of the statutory goals of the Council is to improve water quality...Part of that task includes careful consideration of pollution flowing into the Delta via the Mud Slough and the San Joaquin River...This fall, the State Water Resources Control Board will consider Basin Plan amendments that would allow continued selenium discharges in excess of Basin Plan Water Quality Objectives...As part of its mandate to improve water quality, the Council should consider inclusion of provisions in the ISP to protect the Delta from such deterioration of water quality standards.
Reclamation District 2068	May 12, 2010	It is our expectation that the North Delta Water Agency and the DSC will take all steps necessary to ensure that the terms and conditions of the 1981 Contract are adhered to in connection with the BDCP process, the DSC process and any subsequent processes, proceedings or activities undertaken by the State of California or the federal government.
Reclamation District 2068	May 12, 2010	Landowners and water users within BDCP Restoration Opportunity Areas should be protected from short-term and long-term "collateral damage" arising from Delta water conveyance infrastructure and habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure "take" authorization for existing, in-Delta activities. Assurances must be flexible and open-ended, and must not shift the risk for changed conditions away from the State of California. To the extent that the implementation of new water conveyance infrastructure or habitat restoration programs results in adverse socio-economic impacts to people, businesses or communities within the northern Delta, such impacts must be fully mitigated.
Reclamation District 2068	May 12, 2010	Encourage and utilize the extensive local and regional knowledge and expertise in individuals and groups that already exist, such as Delta Protection Commission, County HCP/NCCPs, Yolo Basin Working Group. For the Delta Plan succeed and be sustainable, Delta landowners must be treated as stakeholders in the process.
Reclamation District 2068	May 12, 2010	Strongly support the proposal in your preliminary draft outline to "continue levee subvention program."
Reclamation District 2068	May 12, 2010	The Council should consider analyzing a broader range of facility designs, operations, and conveyance capacities than those currently being analyzed by the BDCP. The size of any canal, tunnel and associated intakes should be independently evaluated.
Reclamation District 2068	May 12, 2010	The BDCP's CEQA/NEPA documents are not being developed or discussed in a public, transparent process. The Council, before incorporating the BDCP into the Delta Plan, should provide a public forum to analyze a reasonable range of Delta conveyance size and design, effects on Sacramento River/San Joaquin River flood management, effects on Delta agriculture, Delta residents, public services in the Delta, potential effects of each conveyance alternative on Delta water quality, and other CEQA compliance analyses called for in SB 7X.
Reclamation District 2068	May 12, 2010	The Delta alone is being asked to bear significant and disproportionate burdens including the loss of productive farm land, local taxes and assessments, increased regulatory compliance pressures and water quality impacts; however, the benefits accrue to regions outside the Delta.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Reclamation District 2068	May 12, 2010	One of the ways to eliminate inequities of providing a "Delta Fix" is to adopt enforceable and permanently funded third party mitigations and assurances. Third party protections were provided in the San Joaquin River Settlement...
River Islands at Lathrop	June 30, 2010	What is the definition of a "covered action"? It is a new General Plan approval or something as minor as a modification of a tentative map?
River Islands at Lathrop	June 30, 2010	...what is the meaning of "significant impact" (as referenced in Section 85057.5 (a) (4) of the Water Code)? As Executive Director Joe Grindstaff noted in this discussion, there is a need to specifically establish the statutory meaning of this term.
River Islands at Lathrop	June 30, 2010	The draft IP declares that "Some past and pending development projects in the secondary zone are in locations that could compromise flood protection for existing Delta islands and residents by constraining floodways and limiting flood-fighting options." I respectfully request more specific information on the projects of concern to the Council.
River Islands at Lathrop	June 30, 2010	Land use in the Cosumnes/Mokelumne floodway and the San Joaquin/South Delta lowlands has been identified as needing "immediate strengthening." It is my understanding that the Delta Protection Commission is examining this and other land use issues as part of its study, as required by SBX7 1, of potential changes in the Primary and Secondary Zones of the Delta, which the Council will review...I respectfully request that no action be taken regarding the aforementioned floodway and lowlands until stakeholders have had a chance to review and comment on the commission's study and the Council's possible actions.
Commenter	April 10, 2010	...I dare to state that only powerful desalination plant(today, over 7,500 desalination plants in operation worldwide) built in the Bay area or other regions can save the Delta from water starvation and agonizing demise, for desalinated, i.e. fresh water can recharge conveyance systems as drought conditions occur and concern over water availability increases.
Commenter	June 17, 2010	That is why, any statement about would be "Restoration" of the Delta with the help of Peripheral Canal or other constructions under manifested of seasonal and annual runoff deprivation was, is, and will be environmental and economical dangerous fallacy!...I dare to state that only a nuclear powered desalination plant (like used to operate in city of Shevchenko, Mangyshlak Peninsula, Caspian sea, or other areas) built in the Bay area can save the Delta from fresh water starvation and agonizing demise. For it can produce hundreds of thousand cubic meters (or millions of acre feet) fresh water, that can be used to recharge water conveyance system as drought conditions may occur and concern over water availability increases. Note that today there are over 7,500 desalination plants in operation worldwide.
Regional Council of Rural Counties	July 26, 2010	RCRC requests that the Delta Stewardship Council make available to the public the draft of the third revision of the Interim Delta Plan in track-change.
Regional Council of Rural Counties	July 26, 2010	RCRC also understands that the development and adoption of the Interim Delta Plan (August 27, 2010) and Delta Plan (January 1, 2012) are on a very fast track, and that drafting is taking place on both concurrently. While we understand that it may be difficult to separate the two, RCRC suggests that the Second Draft Interim Delta Plan be further streamlined and focused on recommendations for early actions, projects, and programs that can be undertaken in the legal Delta in the near-term.
Regional Council of Rural Counties	July 26, 2010	RCRC further requests that the third revision of the Interim Plan be released to the public enough in advance so that interested stakeholders have adequate time to review the document and develop comments.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Regional Council of Rural Counties	July 26, 2010	On Page 1 under "Background" lines 34 and 35 the document states " ... the natural resources of the Delta are not effectively protected, nor are reliable supplies of water being provided for many who are dependent on exports (emphasis added) through the Delta." RCRC notes that this sentence does not reflect the language of the co-equal goals as found in statute. RCRC suggests that the language be revised to mirror the language of the co-equal goals which includes " ... providing a more reliable water supply for California." (emphasis added)
Regional Council of Rural Counties	July 26, 2010	It is important that the Delta Stewardship Council understand just what the Delta Flow Criteria developed by the State Water Resources Control Board represents. Given the unreasonable legislative deadline contained in SB 7x 1 the State Water Resources Control Board's approach was limited to review of instream needs in the Delta ecosystem, specifically fish species and Delta outflows. The Delta Flow Criteria determinations are accordingly limited to protection of aquatic resources in the Delta. The Delta Flow Criteria does not consider other public trust resources or a broad range of public interest considerations...Under the circumstances, it is RCRC's firm belief that it would be inappropriate for the Delta Stewardship Council to utilize this data to "inform" the development of either the Draft Interim Delta Plan or Delta Plan given the limited circumstances analyzed in the Delta Flow Criteria Report.
Regional Council of Rural Counties	July 26, 2010	As to the "core responsibilities of the Council", the Delta Stewardship Council does not have any regulatory authority to establish flow objectives.
Regional Council of Rural Counties	July 26, 2010	Appendix IV, lines 8 and 9, states " ... the Council views the coequal goals defined in Public Resources Code Section 29702 (a) as a complete statement of state policy."...This is a very broad statement which would seem to imply that the Delta Stewardship Council's decisions will exclude consideration of other important state policies and/or laws when developing the Delta Plan.
Restore the Delta	July 9, 2010	To get an idea of the recent work that has gone into answering questions like those presented at this workshop, the Delta Stewardship Council needs to see the Central Valley Flood Protection Plan Interim Progress Summary and also the unabridged Regional Conditions Report, Section 3, Problems and Opportunities.
Restore the Delta	July 9, 2010	The Council also needs to see the emergency plan developed by the five Delta counties and mentioned at the workshop by Ron Baldwin of OES.
Restore the Delta	July 9, 2010	...a reasonable way to address short-, medium-, or long-term risks to levees is through robust support for existing cost-share programs like the Delta Levee Subventions Maintenance Program, which benefits from the incentive of Delta counties and reclamation districts to maintain levees.
Sacramento, County of	June 10, 2010	Sacramento County strongly believes the interim plan (required per Water Code Section 85084) must be structured in a manner that captures the basic water management principles and land use protections as identified in the 2009 Delta legislative package, specifically SB7X1. Further, to protect and enhance the "Delta as an evolving place," as now set forth in statute, it is critical that the plan is developed in an open and transparent manner, incorporating input from the general public and all affected stakeholders. The plan must include reasonable and implementable near-term policy actions that protect local land use authority and water rights, along with strategies to secure and maintain adequate long-term funding for implementation.
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: - Improvement of flood protection for the legacy communities of Courtland, Walnut Grove, Hood, Locke, and Isleton, possibly using a "ringed levee" design concept

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: - Improvement of flood management for both urbanized and non-urbanized portions of the south County by increasing the capacity of the Morrison Creek pump station and reinforcing the railroad-levee embankment south of the Town of Freeport.
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta:- Assurance of long-term funding of the Delta levee subventions program
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: Update and rehabilitation of the water delivery systems in the legacy communities of Hood, Walnut Grove, Southwest Tract, Courtland, and Ryde
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: Reduction of impacts to protected fish species by installing/replacing fish screens at existing agricultural wells/pumps
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: Transportation system improvement projects including, but not limited to, the elevation of the Lambert Road-Snodgrass Slough bridge
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: Implementation of a study to identify abandoned Delta infrastructure and quantify/analyze impacts to local communities
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: Development of emergency preparedness and response polices consistent with the provisions of SB 27 (Chapter 608, Statutes of 2008)
Sacramento, County of	June 10, 2010	...Sacramento County respectfully requests that the Delta Stewardship Council (DSC) consider the following existing and future projects/programs when drafting the interim land use and water policy actions and financing strategies for the Delta: Enhancement and promotion of recreational opportunities by increasing safe and convenient access to the waterways
Sacramento, County of	July 1, 2010	As a suggestion, the initial reference to SB7X 1 on page 2 should also include its statutory citation, chapter 5, "7th Extraordinary Session of the Statutes of 2009." However, the interim plan should not merely repeat statute, it should contain substantive policy and performance standards that will act as a short-term implementation toolbox to guide water and land use management decisions over the next 16 months.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento, County of	July 1, 2010	...rather than developing a set of guidelines that focus solely on Delta Vision's objectives, Sacramento County recommends that the DSC consider and include existing policies and actions found in the Delta Protection Commission's recently revised Resource Management Plan (RMP), adopted on February 25, 2010. In doing so, the IP would include a hybrid set of land use and water management "guidelines" distilled from both plans, with an emphasis on land use authority and water rights protections...
Sacramento, County of	July 1, 2010	...drafting of the IP provides an opportunity to clarify specifically what types of projects would be subject to the "covered actions"...The numerous project-type and geographic exceptions cited in WC section 85057.5(b), particularly with respect to compliance with the sustainable community strategies...in concert with the undefined references to Public Resources Code section 21065 could make future statutory interpretation and implementation difficult and confusing...the DSC should take this opportunity to develop an interim policy statement that clearly describes and defines those projects (i.e., cover actions) that would be subject to Council oversight and review.
Sacramento, County of	July 1, 2010	...Sacramento County has consistently stated and advocated that sound, reasonable, and collaborative-based policies are critical in order for the DSC to effectively manage and administer the Delta and its related resources.
Sacramento, County of	August 3, 2010	...the draft plan still does not adequately describe specific guidelines and actions...that will result in large-scale water supply reductions and protect water rights priorities. Therefore, Sacramento County strongly recommends that one of the IP's top-tier "early actions" should specially address how reliance on the Delta as source of water for municipal and agricultural purposes will be reduced in both the near- and long-term. Sacramento County has previously gone on record citing the importance of developing realistic and comprehensive policies that set the framework for providing a long-term and reliable water supply in the Delta and protect water rights and areas of origin.
Sacramento, County of	August 3, 2010	...local land use projects meeting the "covered action" definition would essentially be subject to oversight by the DSC (via the consistency findings requirement). This is especially troubling to Sacramento County. Land use policy and regulation in California, with a few exceptions (e.g., Coastal Zone requirements), have long been under the exclusive purview of local governments. In accordance with the 1992 Delta Protection Act, land use review and appeal authority currently rests with Delta Protection Commission...
Sacramento, County of	August 3, 2010	Therefore, to provide greater transparency and certainty, Sacramento County recommends the IP's "early actions" refine and define the land use review process and specifically list which types of discretionary land use entitlements and water management projects (private and public) will be subject to the DSC's consistency findings described in WC section 85225.
Sacramento Regional County Sanitation District	May 12, 2010	SRCSA recommends that the Interim Delta Plan focus on promoting water recycling projects and helping to secure the associated funding that will be necessary to ensure water recycling becomes a reality. SRCSA recommends two projects for inclusion in the Interim Delta Plan to help achieve the two equal goals: - South Sacramento County Agriculture and Habitat Water Recycling Project and - Cosumnes River Flow Restoration Project
Sacramento Regional County Sanitation District	June 23, 2010	...we believe it is imprudent to rush the adoption of regulations that will not be relevant for some time. It is very unlikely that many affected state or local agencies, or the concerned public, are aware of the scope of the proposed regulations or their impact on governmental authority.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento Regional County Sanitation District	June 23, 2010	...the issue posed by the regulations is whether the Commission has veto power over all "covered actions" approved by a state or local agency. We believe this would be a usurpation of local authority, and not consistent with law. While the Council's authorizing legislation expresses intent that land use actions be consistent with the Delta Plan, it does not appoint the Commission as the ultimate adjudicator of whether these or other state and local actions can proceed at all.
Sacramento Regional County Sanitation District	June 23, 2010	The statute stops there. It does not provide for still-further and potentially interminable appeals, and does not ultimately require local agencies to conform their actions to the dictates of the Council. The proposed regulations, however, would allow for appeals of the revised certification of consistency, nullifying the state or local agency's right to "determine whether to proceed with the covered action." This is improper.
Sacramento Regional County Sanitation District	June 23, 2010	The Commission should modify paragraph 12 of the regulation by deleting ",30 days has elapsed and no person has appealed the revised certification." It should also modify paragraph 2 for consistency. It should also afford local agencies adequate time to consider the proposed regulation, as there is no urgency. Finally, paragraph 4 of the proposed regulation twice uses the word "It" in contexts in which the reference is unclear
Sacramento Regional County Sanitation District	June 23, 2010	Much of the content of the Draft Plan is deferred to a second draft. This, coupled with other difficulties, renders it very difficult to provide comment.
Sacramento Regional County Sanitation District	June 23, 2010	Finally, the Interim Plan relies heavily on the Delta Vision Strategic Plan. While the Delta Vision Strategic Plan should be considered, it does not govern either the Interim Plan or the Delta Plan.
Sacramento Regional County Sanitation District	June 23, 2010	...SRCSD has significant concerns with the "rush" to adopt regulations that will govern state and local agency consistency determinations. We also have concerns with the aggressive schedule to develop both the Interim and Final Delta Plans that could have far reaching impacts not only for local governments and related infrastructure, but for the State as a whole. We appreciate that there are statutory mandates that must be adhered to, however, there must also be a transparent and robust stakeholder process to ensure an effective Delta Plan is developed.
Sacramento Regional County Sanitation District	July 2, 2010	...SRCSD is concerned about the short time frame within which the Council will develop the Interim Plan. SRCSD is concerned that the timeframe for developing the Interim Plan is too short to allow any meaningful public input and Council deliberation. As a result, the Council will likely, by default, rely on other documents such as the Delta Vision Strategic Plan, or the Bay Delta Conservation Plan (BDCP). This approach was neither favored nor encouraged by last Fall's "Delta Legislation" that created the Council and required development of an independent Delta Plan to achieve the "co-equal goals."
Sacramento Regional County Sanitation District	July 2, 2010	While SRCSD recognizes the need to develop an effective Interim Plan in a relatively short time frame, the scope of the current draft Interim Plan is simply too broad. The Interim Plan should be much more narrowly focused so that it can be effectively implemented in the near term.
Sacramento Regional County Sanitation District	July 2, 2010	Reliance and/or incorporation of other documents, such as the Delta Vision Strategic Plan, whose scope is beyond the appropriate bounds of an Interim Plan, raise additional significant concerns.
Sacramento Regional County Sanitation District	July 2, 2010	There are also significant questions and concerns regarding governance and funding and SRCSD notes that the draft Interim Plan has not satisfactorily addressed our concern regarding inaccurate or incorrect information being carried forward as fact.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento Regional County Sanitation District	July 2, 2010	First, much of the content of the Draft Plan is deferred to a "second draft" of the Interim Plan. Given that the deadline for the Council to adopt an Interim Plan is August 27, 2010, it is doubtful that any meaningful development of and public comment on such a "second draft" will materialize. This, coupled with other difficulties, renders it very difficult to provide meaningful comment and input.
Sacramento Regional County Sanitation District	July 2, 2010	Second, it is difficult to discern what the Interim Plan would be and what effect it would have. The "First Draft" is substantial in content, but diffuse, leaving it unclear what the consequence of the Interim Plan would be. The First Draft also appears to mingle Interim Plan and Delta Plan concepts.
Sacramento Regional County Sanitation District	July 2, 2010	We recommend that the Interim Plan be much more focused on facilitation of near term measures that can be accomplished while the Delta Plan is being developed, such as emergency preparedness, promoting regional sustainability, incorporating the Delta Protection Commissions Resource Management Plan, assisting the Department of Water Resources conservation and efficiency targets for water consumption, assisting existing restoration efforts and those projects identified by the legislation in Water Code section 85085.
Sacramento Regional County Sanitation District	July 2, 2010	The Council may wish to inventory activities that have a relationship to the goals of the Delta legislation and to which the Council will pay attention, but it is neither efficient nor appropriate to attempt to drive these activities in the Interim Plan. We believe the Interim Plan should focus on facilitation of measures that will be accomplished in the very near future.
Sacramento Regional County Sanitation District	July 2, 2010	Third, the Interim Plan relies heavily on the Delta Vision Strategic Plan (Strategic Plan). While certain aspects of the Strategic Plan should be considered, it does not govern either the Interim Plan or the Delta Plan.
Sacramento Regional County Sanitation District	July 2, 2010	Fourth, the Interim Plan emphasizes the policy objectives in Water Code section 85020. It is not inappropriate to recognize these objectives, but we believe it is inappropriate to treat the objectives as a source of legal power for the Commission.
Sacramento Regional County Sanitation District	July 2, 2010	Fifth and related, SRCSD has specific concerns with Appendix II which include goals and actions taken directly from the Strategic Plan. SRCSD raised concerns about this language and suggested revisions that were never incorporated into the Strategic Plan.
Sacramento Regional County Sanitation District	July 2, 2010	Finally, the Interim Plan should be focused, understandable, and usable. There is considerable risk the Interim Plan will evolve into little more than a political tool, an outcome that the Council should avoid.
Sacramento Regional County Sanitation District	July 2, 2010	At a minimum, SRCSD is concerned about the lack of sufficient time, given the August 27, 2010 deadline for adoption of an Interim Plan, to develop specific and reasonable plans for adequate funding of the Council and its planned activities. Given the potential scope of the Council's anticipated authorities, and the anticipated cost to millions of Californians that the Council's activities will encompass, we believe it is vitally important that the public and interested parties have a more specific understanding of how the Council envisions paying for both the Council's ongoing maintenance, as well as the hundreds of activities anticipated in the Final Delta Plan.
Sacramento Regional County Sanitation District	July 2, 2010	...SRCSD is also concerned that the notion of "beneficiary pays" or "proportional funding" for the maintenance of the Council and for all of its planned activities is never mentioned in this Draft Interim Plan. This omission is made more glaring considering the Delta Vision Strategic Plan specifically identifies the need to address a responsible funding system as "required for success of a governance entity" that is predicated on the "beneficiary pays" principle.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento Regional County Sanitation District	July 2, 2010	Appendix II:...Action 3.5.1 under "Strategy 3.5" states: "Require the Central Valley Regional Water Quality Control Board to conduct three actions: " The actions include: "immediately re-evaluate wastewater treatment plan/discharges into Delta waterways and upstream rivers " The Council has no authority to require such action. (Note also that permitting by the Regional Water Board will not be a "covered action" under the Delta Plan...Parenthetically, SRCSD specifically requested in our October 16,2008 comment letter on the Fifth Draft of the Strategic Plan that the phrase " ... are fully protective of human health and ecosystem needs" be replaced with " ... ensure reasonable protection of beneficial uses", as this is consistent with California Water Code.
Sacramento Regional County Sanitation District	July 2, 2010	It would be appropriate to identify Regional Water Board permitting activities as a matter the Council will monitor, but the suggestion that the Council will direct the process is inappropriate. Similarly, the Interim Plan identifies various actions pertaining to water quality that do not reflect an awareness of ongoing activities...The appropriate approach for the Council with respect to these activities is to remain apprised and, as appropriate, make use of the relevant products from these actions in the Delta Plan.
Sacramento Regional County Sanitation District	July 2, 2010	Additionally, requiring the establishment of Total Maximum Daily Load (TMDL) programs for organic carbon and inorganic mercury from tributary watersheds as a near term action is unrealistic and under the Regional Boards jurisdiction.
Sacramento Regional County Sanitation District	July 2, 2010	SRCSD has collaborated with Sacramento Stormwater Quality Partnership since 1991 and formed the Sacramento Coordinated Monitoring Program (CMP)...SRCSD has maintained its support to the CMP and will continue its commitment to developing a regional monitoring program. We encourage the Council to do the same and envision the Council facilitating the development of a regional monitoring program across the multitude of agencies involved with monitoring programs in the Delta.
Sacramento Regional County Sanitation District	July 2, 2010	Appendix III: Overall, it would be beneficial, and may help foster improved perception of this process, if the Council created a listing of the stakeholders commenting on all issues and provided a written disposition of those comments.
Sacramento Regional County Sanitation District	July 2, 2010	Appendix IV: Overall, the issues listed in this section appear to be broad sweeping statements without any references to documents where information supporting these statements can be reviewed, so that readers can verify the accuracy of these statements. As an example, issue number one discusses annual loads of pollutants entering the Bay, but does not acknowledge concentrations, which are the basis for water quality objectives that are relevant to knowing whether any impact to beneficial uses is occurring. Please cite the reference(s) supporting issue number one.
Sacramento Regional County Sanitation District	July 2, 2010	The statement on page A-19 that "Up to 40,000 metric tons of at least 65 different pollutants enter the Bay annually" is sensational and misleading, and should be deleted. This type of aggregation of mass from a broad list of water quality parameters, which likely includes suspended solids, salinity, organic carbon, nutrients, mercury, other metals, pesticides, etc. is impossible to interpret and therefore should be deleted.
Sacramento Regional County Sanitation District	July 2, 2010	Issue number three on page A-19 states that elevated levels of contaminants adversely affect recreation uses. The basis for this statement is unclear and lacking a citation to a source document. Which contaminants adversely affect recreational use? Which beaches in the Bay-Delta have been closed because of water quality concerns, and how often? Any use of the word impaired should be directly connected to the approved Clean Water Act 303(d) listing of impaired water bodies in the Delta.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Sacramento Regional County Sanitation District	July 2, 2010	Issue number four on page A -19 implies that Delta water quality is controlled by waste discharges, tidal action and water circulation, which is inaccurate. It also fails to mention that water quality is also significantly impacted by river inflows, Delta outflow, and water diversions. As a result, this sentence overstates the effect that waste discharges have on water quality. The figures on page A-20 are an excellent depiction of how Delta inflow can affect water quality in relationship to salinity.
Sacramento Regional County Sanitation District	July 2, 2010	Issue numbers five, six, and seven, regarding salinity may be better addressed as sub issues under salinity. The CV - SALTS initiative should also be included in Appendix V, plans and projects related to Delta water. On page A-19, the statement that small amounts of salt in urban supplies can negatively affect consumer perception should not be used as a benchmark for salinity management in the Delta. Further, the expectations and perceptions of water users should not be considered to be water quality standards.
Sacramento Regional County Sanitation District	July 2, 2010	The notion that salinity levels in wastewater effluent ever make water "unusable" is an over-exaggeration, and should be deleted. Salinity control by wastewater entities is not a feasible, cost effective or energy efficient way to meet salt objectives. The imprecise statement that "slightly higher salinities decrease crop yields" should be clarified or deleted. With the focus on salt levels in the Delta, there should be discussion of the impacts of water project operations, including the proposed peripheral canal and increasing San Joaquin River flows on salt levels, especially in the South Delta.
Sacramento Regional County Sanitation District	July 2, 2010	Issue number eight on page A-20 regarding mercury has partially been addressed due to the Regional Board adoption of the Delta mercury TMDL earlier this year, which should be recognized. Regarding the statements on mercury on Page A-20, we suggest that the Interim Plan recognize that a major concern for increased mercury levels in fish is due to wetland creation and other habitat enhancement projects as proposed under BDCP.
Sacramento Regional County Sanitation District	July 2, 2010	Statements made under Issue number 11 on page A-20 and A-21 regarding organic carbon and the production of carcinogenic byproducts is misleading. Drinking water agencies are required to treat surface water to limit the levels of trihalomethanes in delivered water. The real issue is whether management of organic carbon levels in Delta waters could result in operational cost savings to drinking water agencies. A study by Malcolm Pirnie for the Central Valley Drinking Water Policy Work Group, which is incomplete, may shed some light on this issue.
Sacramento Regional County Sanitation District	July 2, 2010	Issue number 12 regarding nutrients, should include discussion of agricultural discharges in the San Joaquin Valley as a contributor to nutrient levels in the Delta. Nutrient loads do not all originate from "upstream dischargers."
Sacramento Regional County Sanitation District	July 2, 2010	The Interim Plan states that the performance measures and targets will reflect priorities for immediate action in the interim, and none of the listed performance measures are related to immediate actions. Most of the performance measures appear to be simply things that can be counted, only a few are related back to aquatic species, and none relate to environmental relevance. Most importantly ambient water quality concentrations and trends should be included because those water quality concentrations can be compared to standards, and related to the environmental relevance of a particular constituent in terms of beneficial use impacts.
Sacramento Regional County Sanitation District	July 2, 2010	The first and last performance measures are the same, one should be deleted. Does a contaminant precursor mean constituents that can create disinfection by products as part of the drinking water treatment process?
Sacramento Regional County Sanitation District	July 2, 2010	It should be noted that nuisance growths of algae or aquatic plants are clearly related to Delta hydrodynamics, residence times, and temperatures.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento Regional County Sanitation District	July 2, 2010	The performance measure related to the concentrations of contaminants in urban runoff and agricultural drainage should be modified. The important metric is ambient concentrations, rather than concentrations in sources which may have little effect on ambient levels.
Sacramento Regional County Sanitation District	July 2, 2010	It is unclear how toxicity to aquatic life using standard species and methods would be employed as a performance measure. Results from different tests at different locations using different test organisms and end points over time would be difficult to interpret.
Sacramento Regional County Sanitation District	July 2, 2010	Three of the measures call for concentration measurements from a 2008 baseline. What is the scientific basis for selecting 2008 as a baseline?
Sacramento Regional County Sanitation District	July 2, 2010	New waterbodies may be added to the Clean Water Act 303(d) list due to exceedences of water quality standards for specific contaminants for that water body. The number of new contaminants added to the 303(d) list is not a good performance measure, since it is more often dependent on changes in standards or adoption of new standards, rather than changes in ambient water quality levels. Reduced numbers of 303 (d) listings is a better performance measure.
Sacramento Regional County Sanitation District	July 2, 2010	Performance measures created through an adaptive management processes tend to provide a better basis to judge whether actions taken to restore the Delta are actually working. The BDCP is currently developing a monitoring and metrics section of the Habitat Conservation Plan. The Interim Plan should explain how Interim Plan measures relate to the BDCP measures.
Sacramento Regional County Sanitation District	July 19, 2010	SRCSA believes the Second Draft is not sufficiently clear as to how the Interim Plan will "inform council responsibilities and recommendations." Ultimately, we believe the Interim Plan should focus on early actions.
Sacramento Regional County Sanitation District	July 19, 2010	...that the appropriate consideration of the Delta Plan is to ensure that the Interim Plan not preclude or interfere with alternatives that may emerge in the Delta Plan. There are aspects of the Second Draft that suggest prejudgment of the Delta Plan and premature exercise of authorities that are relevant only to the Delta Plan.
Sacramento Regional County Sanitation District	July 19, 2010	Appendix V is unnecessary and confusing in purpose and due this and its problematic contents should simply be deleted.
Sacramento Regional County Sanitation District	July 19, 2010	We believe it is important for the Council to have and consider public comments as it reviews the Second Draft, but it proves exceedingly difficult to review and provide comments in such a short period.
Sacramento Regional County Sanitation District	July 19, 2010	First, we urge that the Third Draft be provided much further in advance of the Council meeting at which it will be considered. Secondly, we ask that the Third Draft show changes from the Second Draft, or that a companion document be made available so that interested parties (and the Council) can readily determine what changes have been made. Third, there should be adequate time for public comment and for the members of the Council to have received and considered the comments before the Third Draft is presented at a Council meeting.
Sacramento Regional County Sanitation District	July 19, 2010	The first use identified in the Second Draft is to provide a process for developing recommendations for early actions. As we understand, the concept is to allow the Interim Plan to be updated and evolve up until the time the Delta Plan is adopted. Considering the deadline for the Delta Plan and other responsibilities of the Council, the limited legislative authority and direction for the Interim Plan, and the fact that early actions may yet come to the Council's attention, this approach appears to make sense.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento Regional County Sanitation District	July 19, 2010	...text on page 25 of the Second Draft is suggestive of a consultation process during the interim period that would be relevant to "recommendations" analogous to the consistency determinations for the Delta Plan. We believe this should be clarified further and, again, that the Interim Plan itself should focus on recommended early actions.
Sacramento Regional County Sanitation District	July 19, 2010	Page 22 of the Second Draft identifies a "Decision Process." It is not clear whether this applies to recommendations on early actions, identification of items for the Delta Plan "recommendations," or some combination of these.
Sacramento Regional County Sanitation District	July 19, 2010	Also, with respect to the consideration of "conceptual" proposals, we encourage greater flexibility. At a practical level, the proponent of a "project in concept" may not wish (or may be ill-advised) to proceed with the effort and cost of further development in the absence of some "reading" from the Council. We believe the Council can reserve to itself to determine how to proceed on a case-by-case basis.
Sacramento Regional County Sanitation District	July 19, 2010	The Second Draft identifies a use of the Interim Plan as being to "inform Council advice to - or review the recommendations of - other agencies"...We recommend clarification on this issue.
Sacramento Regional County Sanitation District	July 19, 2010	The Second Draft describes the third use of the Interim Plan as being to provide linkage to the Delta Plan. In the abstract, this is not objectionable. However, given that the Delta Plan will not exist until 2012, and considering other components of the Second Draft, we have concerns as to what is intended. We are particularly concerned that the "linkage" not prejudice the Delta Plan or suggest an "Interim Plan" effectively exists.
Sacramento Regional County Sanitation District	July 19, 2010	While SRCSD agrees that legal consistency is important, the legal authorities related to the Interim Plan and the Delta Plan are not identical. As we have commented previously, SRCSD does not believe that policy objectives expressed in legislation are themselves a source of legal authority. We also do not perceive there is significant risk of a "non-smooth" transition that is avoided in the Second Draft. One objective that the Interim Plan could state is that early actions not preclude known, potential actions consistent with the Delta Plan. However, we do not believe that the Interim Plan needs to go beyond that.
Sacramento Regional County Sanitation District	July 19, 2010	We submit that another area where the Second Draft exceeds the proper scope of an Interim Plan is in its proposed incorporation into Appendix 1 of the Administrative Procedures Governing Appeals. Those procedures are unrelated to the legislative charge to develop an Interim Plan. Their inclusion in the Interim Plan will create confusion.
Sacramento Regional County Sanitation District	July 19, 2010	SRCSD has an additional concern related to inconsistency of the proposed adoption of the Administrative Procedures Governing Appeals and the Second Draft. We recognize that the administrative procedures are a separate agenda item for the Council's meeting on July 22-23,2010. However, the plan to adopt those procedures is premature and would be inconsistent with the Second Draft's emphasis on building strong relationships with stakeholders. The proposed Administrative Procedures would have significant ramifications for local public agencies. In fact, as SRCSD stated in comments dated June 23,2010, we believe the proposed procedures go beyond the Council's authority in controlling the actions of local agencies.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento Regional County Sanitation District	July 19, 2010	SRCSO agrees completely with the statement regarding the necessity of a stable financing structure for being able to achieve the coequal goals (page 7). We appreciate that the Second Draft responds to previous comments related to financing. The three scenarios being developed to initiate analysis of financing options are a good start, but alternative number three is unclear (page 39). This alternative appears to include the concept of beneficiary pays, but...is unclear. Invasive species are a stressor on the ecosystem. How would funding be based on this stressor? Who would it be assigned to? Trying to determine funding based on stressors to the ecosystem will be very difficult. Therefore, this sentence should be deleted and leave alternative number three with the concept that enhanced funding will come from users, specifically those who benefit.
Sacramento Regional County Sanitation District	July 19, 2010	SRCSO believes that Appendix V of the Second Draft should be omitted.
Sacramento Regional County Sanitation District	July 19, 2010	...we believe that the Interim Plan should be more focused on near term actions and that such an approach is far more likely to lead to progress.
Sacramento Regional County Sanitation District	August 3, 2010	...we believe, the Second Draft reflects a pragmatic approach on this issue. In addition, and in response to the request at the July 23, 2010 Council meeting, SRCSO offers specific examples of near term actions in the following three areas: - Encouraging water conservation - Promoting scientific research - Reducing entrainment
Sacramento Regional County Sanitation District	August 3, 2010	We request that pursuit of recycled water projects be listed among near term actions.
Sacramento Regional County Sanitation District	August 3, 2010	SRCSO recommends that the Interim Delta Plan focus on promoting water recycling projects and helping to secure the associated funding that will be necessary to ensure water recycling becomes a reality. SRCSO recommends two projects for inclusion in the Interim Delta Plan near term actions to help achieve the two equal goals: - South Sacramento County Agriculture and Habitat Water Recycling Project and - Cosumnes River Flow Restoration Project
Sacramento Regional County Sanitation District	August 3, 2010	Many stressors on the Delta have been identified. Better research and management tools are needed to understand how adjustments to different stressors will affect the ecosystem. The March 2009 CalFED Ammonia Workshop independent panel of experts and the National Academy of Science review committee both have recommended that comprehensive ecosystem models be developed...Supporting the development of a comprehensive ecosystem model and information needed to support and validate the model should be a near term action in the Interim Delta Plan.
Sacramento Regional County Sanitation District	August 3, 2010	As a specific near term action, the Council should include support for engineering feasibility and pre-design studies for state-of-the-art fish screens to reduce entrainment losses at the CVP and SWP water intake facilities.
Sacramento County Farm Bureau	August 1, 2010	Page 1...line 24. The Delta is not the source of drinking water for nearly two thirds of the state's population. A more accurate statement would be that nearly two thirds of the state's population gets a portion of its water from the Delta.
Sacramento County Farm Bureau	August 1, 2010	Page 3... line 17. While subsidence may be a major problem in some parts of the Delta, the general statement that "...much of the Delta landscape has subsided as much as 25 feet below sea level..." is inaccurate and should be changed.
Sacramento County Farm Bureau	August 1, 2010	Page 5... lines 30-31. The results of increased salinity should be expanded to include degradation of Delta agriculture.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Sacramento County Farm Bureau	August 1, 2010	Page 5...lines 32-40. Increased storage and conveyance around the Delta might provide flexibility for a reliable water supply, but it should be recognized that conveyance around the Delta without increased storage may not be consistent with the coequal goals and protection of Delta natural resources, agriculture and recreation values.
Sacramento County Farm Bureau	August 1, 2010	Page 6...lines 28-29. "...The Delta is an estuary with so much land below sea level, water is constantly exerting pressure against the levees." While there are some areas of the Delta where this is true. There are large parts of the North, South and Eastern Delta where this statement is inaccurate.
Sacramento County Farm Bureau	August 1, 2010	Also in the introduction, page 11 lines 23-30 and in Section IV page 40 lines 4-14, reduced reliance on the Delta should be expanded to include analysis of the current situation and what constitutes success. We feel that this is extremely important because some actions being considered today will solidify dependence on the Delta and could even result in increased dependence over time making it more difficult to accomplish this state policy
Sacramento County Farm Bureau	August 1, 2010	In Section IV, page 28 lines 35-38 the Draft Interim Plan states that the SWRCB in conjunction with DFG is required to develop water flows which must include plans to "promote options for new and improved infrastructure relating to the water conveyance in the Delta". This statement relies on Section 85304 which states "The Delta Plan shall promote options for new and improved infrastructure relating to the water conveyance in the Delta". Therefore, while the Delta Plan developed by the Delta Stewardship Council must promote additional options for conveyance, the flow standards developed by SWRC and DFG do not. The flow criteria are meant to inform the process not to direct it.
Sacramento County Farm Bureau	August 1, 2010	Lines 45- 46 on page 8 Appendix 1 of the Draft Interim Plan provide for dismissal of any appeal of the BDCP if "the council or its executive officer determines that it does not raise an appealable issue". What is an appealable issue? If the executive officer's power to dismiss an appeal remains in the Interim Plan, appealable issues must be clearly defined. If an appellant complies with the provisions as detailed and provides additional information if requested, the appeal should be heard by the Delta Stewardship Council.
Sacramento County Farm Bureau	August 1, 2010	Finally, because state policy as articulated in SBX 7 1 is to protect and where possible enhance Delta agriculture, Sacramento County Farm Bureau is troubled by plans to convert large amounts of Delta agriculture to habitat (Appendix V, page 2, lines 26-27 Strategy 3.1 to convert approximately 100,000 acres to habitat). Regionally agriculture has been decimated. There needs to be a strong and real commitment in the Interim Plan and the subsequent Delta Plan to demonstrate how agriculture will be protected, maintained and enhanced.
San Joaquin County	July 30, 2010	Best Available Science (Second Draft, page 22, lines 12-31) - The Delta Risk Management Strategy (DRMS) does not fit the Draft Interim Plan definition of "best available science", yet DRMS is referenced repeatedly in the document and is the basis for much of the conclusions contained in the Draft, with respect to levee failure and repair (or non-repair, depending on the location of the levee)...It is recommended that the reference to DRMS as "best available science" be deleted.
San Joaquin County	July 30, 2010	Policy Objective "b"; "Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place." (Second Draft, page 11, lines 8-9) - It is recommended that the Interim Plan provide more guidance and meaning to Policy Objective "b".
San Joaquin County	July 30, 2010	Policy Objective "c"; "Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem." (Second Draft, page 11, lines 10-11)...It is recommended that the Draft Interim Plan include goals and objectives regarding how the Plan will address wetlands coequally existing with agriculture.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
San Joaquin County	July 30, 2010	Interpretation of the Coequal Goals under the 2009 Delta Reform Act (Second Draft, pages 11-12)...It is recommended that in the development of plans centered on the coequal goals, the Council provide additional guidance on how the Interim Plan will address this yet unresolved conflict of coequal goals, and also how the plan will abide by established water rights and other area of origin protection laws designed to protect the Delta.
San Joaquin County	July 30, 2010	Water Code Section 85021(Second Draft, page 11...It is recommended that WC Section 85021 state policy on reducing reliance on water exports from the Delta be specifically listed as a goal and objective in the Draft Plan.
San Joaquin County	July 30, 2010	Discharge of Existing Law should be a Required Action under the Interim Delta Plan (Second Draft)...It is recommended that the Interim Delta Plan and future planning activities of the DSC should contain measures that require compliance with existing state and Federal laws that protect the Delta.
San Joaquin County	July 30, 2010	Secondary Zone of the Delta...It is recommended that Projects in the secondary zone should not be subject to the same scrutiny as projects in the primary zone. Projects in the secondary zone should be referred to the DSC for review and comment but should not require findings of consistency.
San Joaquin County	July 30, 2010	Decision Processes (Draft Plan, page 22, lines 9-11)...It is recommended that the Interim Plan provide principles and procedures for public involvement in the decision making process. Several pages in the Draft Plan are dedicated to process for “engaging and establishing working relationships with agencies”. However, the Plan is virtually silent on engaging the public. The Draft Plan provides the impression that the future of the Delta will be developed without regard for local input and involvement, which is exactly what local agriculture, government, and Delta citizens want to avoid. It is critical that there be strong public participation in the Plan’s development.
San Joaquin County	July 30, 2010	Processing Procedure (Draft Plan, Appendix I, 3. Delta Stewardship Council Administrative Procedures Governing Appeals-Review of Certifications of Consistency with Delta Plan, Page 5 lines 10-46)...While this may be difficult to fix because the legislation that exempts a project unless it has a significant impact on one or both of the coequal goals is already adopted as WC Section 85057.5, the following process is recommended for projects in the primary zone of the Delta: If an application is a project under California Environmental Quality Act (CEQA) the Agency would refer the Project to the DSC. Within 30 days, the DSC would notify the Agency if the project is a covered action. If it is, the Agency posts a draft certification of consistency with the Plan. Thirty days later, the Agency would send to the DSC a “written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan” (WC Section 85225). The detailed findings are based on a list provided by the DSC (similar to an initial study). Thirty days later, the DSC makes its determination. If the DSC determines that the action is inconsistent with the Plan then the applicant may appeal to the DSC. If upon appeal the DSC changes its determination to consistency, then the Agency waits 30 days for a second appeal period to end. If the certification is not appealed, then the Agency can approve the project. Any additional postings, other than the NOD would be done by the DSC, not the Agency. Under this scenario, no time is wasted if the DSC determines that the project is not covered. If the project is covered by the Plan, it will still take about five months to process, if the determination is appealed.
San Joaquin County	July 30, 2010	Analytical Tool for Council Action under the Sacramento-San Joaquin Delta Reform Act of 2009, (Draft Plan, page 27, lines 10-16)...Add “water quality” as a tool. The purpose for “fixing” the Delta is to improve water quality, as stated in Policy Objective “e” (Draft Plan, page 11, lines 14-15) “improve water quality to protect human health and the environment consistent with achieving water quality objective in the Delta.”

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
San Joaquin County	July 30, 2010	Analytical Tool for Council Action under the Sacramento-San Joaquin Delta Reform Act of 2009, (Draft Plan, page 27, lines 10-16)...Include an "Economic Development Plan" as a tool. This is consistent with the Policy Objective "b" (Draft Plan, Page 11, lines 8-9) of "Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place." The Plan deals with improving the ecosystem greatly. What about the people living and working in the Delta? Shouldn't the plan also deal with their well-being?
San Joaquin County	July 30, 2010	(Draft Plan, Page 29, lines 1-12) Change the tool "Delta ecosystem restoration plan" to "Delta ecosystem restoration and management plan". If estuaries, wildlife habitat, and wetlands are going to be artificially developed, then they need to be managed for the life of the project (perpetuity?). The plan should not only identify the process and cost for ecosystem development but should also identify the process and cost of the ecosystem's management into perpetuity. Management is important to ensure that the ecosystem projects serve their intended purposes and do not adversely impact neighboring lands.
San Joaquin County	July 30, 2010	Sources (Draft Plan, page 38)...It is recommended that the "Department of Conservation's Farmland Mapping and Monitoring Program" be included and referenced in the Plan.
San Joaquin County FCWCD	July 2, 2010	Consider Regional Self-Sufficiency, Enhanced Through-Delta and other Near-term Actions The County supports the "Better Way" concepts of regional self-sufficiency, enhanced Through-Delta and other near-term actions to develop a truly sustainable Delta that provides water quantity and quality for all beneficial needs, strengthened levees and flood control structures, improved fisheries and wildlife habitat and the protection of transportation corridors. and other vital infrastructure in the Delta.
San Joaquin County FCWCD	July 2, 2010	The County recommends that the Council should evaluate the potential effectiveness of other short-term and interim alternatives that may benefit both the Delta and those throughout the State that are now dependent on the Delta as a water source including:...San Joaquin County's MORE WATER Project...Delta Corridors Proposal...South Delta Recirculation...South Delta Bypass
San Joaquin County FCWCD	July 2, 2010	In the development of a Delta Plan centered on the concept of coequal goals, the Council must also abide by established laws designed to protect the Delta and area of origin protections.
San Joaquin County FCWCD	July 2, 2010	Additionally, planning to meet these coequal goals of the Delta Plan should not consist of burdening the local economies in the Delta by: - Converting prime agricultural farmland in the Delta into habitat mitigation for terrestrial and aquatic species caused by Central Valley Projects (CVP) and State Water Project (SWP) operations. - Flooding of prime agricultural farmland in the Delta due to seepage impacts to adjacent islands. - Publically acquire private property in the Delta. - Create access points to the Delta without adequate funding for additional law enforcement and protections for local landowners.
San Joaquin County FCWCD	July 2, 2010	Unfortunately, the CVP and SWP have been operated in violation of their permit terms. The Council in its formation of the Delta Plan must obligate the United States Bureau of Reclamation and DWR to take corrective actions to meet the salinity standards in the Delta.
San Joaquin County FCWCD	July 2, 2010	The Council should not stand in the way of local Reclamation Districts as they put Proposition 1 E funds towards the use taxpayers intended they be used. The fortifying of Delta levees should be expedited without further complication. The notion of incorporating habitat improvements to levee projects is noble, but a moot point if levees cannot attain and maintain the PL84-99 Levee standard.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
San Joaquin County FCWCD	July 2, 2010	...Council must ensure that it takes all steps possible to foster the application of sound science for the benefit of the Sacramento-San Joaquin River Delta and estuary. While some scientific work and findings have resulted through CALFED and other processes, fundamental questions remain unanswered. This level of uncertainty makes it difficult to develop solid policy and viable implementation measures necessary to address the problems we face in restoring the Delta. For example, we do not yet know how much water a healthy Delta needs in any given season of any given water year. This is a fundamental question that must be answered before drafting or adopting additional plans.
San Joaquin County FCWCD	July 2, 2010	The use of the Delta Risk Management Strategy findings and recommendations for any decision making process is suspect because the County believes that the Delta Risk Management Strategy contains significant technical flaws and is based upon errant assumptions.
San Joaquin County FCWCD	July 2, 2010	As these activities move forward, the Council must take every action to include a fair and transparent stakeholder process that includes individual property owners and local agencies that are affected most by the Council's recommendations...The County suggests that the Council work directly with all Counties, Cities, Reclamation Districts and other local agencies that are located in the Delta by encouraging an open on-going dialogue.
Solano County	May 12, 2010	The IDP should describe how these groups will work collaboratively and include details such as a requirement that meetings of these groups should not create scheduling conflicts; information should be openly shared between each organization; there should be a joint quarterly (or bi-annual) meeting of the three entities; public meetings of each agency should be available via webcast (for viewing at any time), and there should be a list of standard issues the joint Delta governance group will discuss—ensuring the health of the Delta, identifying future challenges to water quality and quantity, ensuring effective short and long-term funding for each Delta governance entity, effectively integrating outside State and Federal plans ensure the health and well-being of Delta communities. Efforts to closely coordinate the efforts of the three key Delta governance structures should be developed and initiated in the next six months.
Solano County	May 12, 2010	Funding for Delta governance, projects, programs and studies should be a key component of the IDP. Current and long term funding for each segment of the governance structure with linkages to all the legislatively mandated efforts should be included.
Solano County	May 12, 2010	Integration of numerous State and Federal programs such as the Bay Delta Conservation Plan, Central Valley Flood Protection Plan, State Water Plan, U.S. Fish and Wildlife Service Pacific Southwest Region--the Federal Emergency Management Agency's Flood Map Modernization Program and any other programs in this category should be incorporated into the IDP.
Solano County	May 12, 2010	There are numerous existing projects and studies in the Delta that should be identified and integrated into the IDP. These include the Delta Mercury Total Maximum Daily Load, National Heritage Areas, Delta Working Landscapes, Delta Emergency Response and Preparedness, Abandoned Vessel Removal, Primary Zone Study, the Great California Delta Trail, Economic Sustainability Plan...and sectors; identifies unintended consequences and mitigates for damage to the existing structure), Fremont Weir modification, Delta Long Term Management Solutions, Delta Sea Level Rise Study, Two Gates Fish Demonstration Project, to name a few. In addition to existing projects, programs and studies there are recent documents; such as the Delta Risk Management Strategy, the Los Vaqueros Expansion Project, and Contra Costa Water District's Historical Freshwater and Salinity Conditions study that should be considered as the IDP is prepared.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Solano County	May 12, 2010	Maintenance of “rule of priority” between and among riparians and appropriators, subject to “rule of reasonable use” and the State’s affirmative duty to take the public trust PLUS the County of Origin Protection...Watershed Protection Act ...Protected Areas...and Delta Protection Act...when determining the planning and allocation of water resources.
Solano County	May 12, 2010	Maintenance of the North Delta Water Agency Contract and of Department of Water Resources’ “protection facilities” for the Suisun Marsh are among the existing contracts and agreements that need to be included in the IDP.
Solano County	May 12, 2010	A formula should be created for the Council to weigh projects. This formula should include the following criteria: - legislative or political importance of the projects - the timing of projects to avoid cost overruns or redundancy - the availability of funding - impacts or conflicts with existing or proposed projects - positive and negative project impacts (including socio-economic) should be analyzed, documented (in 1, 5, 10, and 15 year increments) and shared broadly for the benefit of other project mitigation and to ensure long term financial sustainability - how adaptive management will be incorporated into project development, implementation and evaluation, and a determination made of how much flexibility should be allowed
Solano County	May 12, 2010	...a protocol for handling projects requiring mitigation on behalf of local landowners, communities, and governments should be developed and incorporated into the above formula.
Solano County	July 1, 2010	...the importance of a well planned and executed public process critical to enable everyday citizens to know and understand what the State's plans are for this area, why these plans are important and how they will be impacted (and hopefully benefited).
Solano County	July 30, 2010	There should be an integrated plan that connects the State with local agencies in a way that is established, effectively coordinated and tested regularly (at least annually).
Solano County	July 30, 2010	One of the complexities of governing the Delta is a lack of stable financing. The Council must make a compelling case that identifies what is genuinely necessary to both address problems with the Delta's fisheries and requirements for ensuring reliable water quality and supply that are balanced in a way to ensure Delta communities are sustainable...What would it cost to replace this resource? The true needs of the Delta must be accurately quantified, prioritized and broadly communicated.
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Recognize and support the integrated and co-dependant levee system that exists throughout the Delta...
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Recognize that different levels of flood protection and levee structural integrity are appropriate for different land uses.
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Provide necessary levels of flood protection for legacy communities to allow those communities to have economic sustainability with reasonable growth in light of the restrictive aspects of the National Flood Insurance Program.
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Develop and implement integrated flood planning, response and recovery programs with appropriate partnerships, funding streams, and regulatory reform to ensure appropriate and coordinated emergency response.
Solano County	July 30, 2010	Preserve the Delta Levee Maintenance Program

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Solano County	July 30, 2010	Fund the state subventions program at higher levels (with a multi-year funding commitment) by expediting the process for reimbursement. Voter-approved funding exists to accomplish this through release of Prop 84 and 1 E funds.
Solano County	July 30, 2010	Develop state and local general fund and specialized sources of funding for flood protection; preserve and maximize Federal investment
Solano County	July 30, 2010	The CALFED Levee Stability Improvement Program is an avenue for federal financial aid for levee rehabilitation projects. Active, ongoing support of this Corps program is requested. The Corps has a Delta-wide list of projects and has begun implementing the first few projects this year. Active advocacy for continued funding of this project is important.
Solano County	July 30, 2010	Avoid one-size-fits-all approaches by adopting standards and funding for O & M that allow local managers an opportunity to prioritize the use of funds based on their expertise and knowledge of the deficiencies that create the greatest risks.
Solano County	July 30, 2010	Promote and incentivize flood protection benefits as part of environmental enhancement, water supply, recreation and other projects in the Delta.
Solano County	July 30, 2010	In relation to levees, ongoing pre-placement of emergency rock stockpiles for levee repair is vital. Where stockpiles exist to block waterways, there are no corresponding piles for levee breaches and there should be.
Solano County	August 3, 2010	As a general matter, the Procedures are cumbersome, lacking in certain detail, and at times confusing.
Solano County	August 3, 2010	Rule 2 requires local agencies to consult with the Council no later than 30 days before submitting its celiification to the Council pursuant to Water Code § 85225. Our reading of the law, however, is that such consultation on covered actions should not be mandatory...Certainly, while our county would make every effort to consult with the Council, we question the necessity of making this an actual requirement.
Solano County	August 3, 2010	...Rule 2 could require such consultation to be with a member ofthe Council itself. This is a bit awkward, as that same Council Member would presumably hear an appeal of the results of such consultation.
Solano County	August 3, 2010	Rule 3 renders the process significantly more cumbersome. First, it requires the local public agency to "post its draft certification on its website, post it conspicuously in its office, and mail it to all persons requesting notice" at least 30 days prior to its submission. It is difficult to think of other agency actions requiring such exhaustive notice. Second, it requires an agency, and not the Council, to receive comments on the draft certification and include those in the administrative record.
Solano County	August 3, 2010	Rule 3 is somewhat confusing. If an agency has to take action on the draft celiification before submitting it to the Council, then the 30 days should be prior to the local public agency's action on the draft certification itself, and not 30 days prior to its submission.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Solano County	August 3, 2010	Rule 4 provides what is traditionally contemplated by an administrative record: an indexed set of documents that were "before the state or local agency at the time it made its certification." (See, e.g., Pub. Res. Code § 21167.6...Rule 9 provides that an appellant may augment the record with "additional information from a reliable source that is both directly pelliinent to the issue of consistency, and was widely-known and available at the time of the agency's certification." Moreover, Rule 10 allows the Council itself to augment the record with similar information. Lastly, Rule 11 allows "any interested person" to augment the record. There are a number of problems with these provisions. First, there appears to be no provision for a local public agency to contest such augmentation. Second, with all this augmentation, the proceeding becomes less and less like an "appeal," or a review of the agency's decision, which is fundamentally what this process entails, and more like a <i>de novo</i> hearing. Third, what exactly do "directly pertinent" and "widely-known and available" mean? This could be very broad, as there are literally hundreds if not thousands of documents concerning the Delta, a healthy number of which might meet this requirement. Fourth, this raises the real possibility that new issues could be raised on appeal.
Solano County	August 3, 2010	Rule 4 requires the agency to conveli hard copies to electronic fonn, which is burdensome.
Solano County	August 3, 2010	Has the "checklist" in Rule 4 been drafted yet?
Solano County	August 3, 2010	Rule 7 provides that an appeal is not considered "filed" until received and determined by Council staff to contain the requisite information. This is complicated by Rule 9, which permits the appellant to continue to augment the record after the appeal has been filed. The relationship between the two is a bit confusing.
Solano County	August 3, 2010	The notice requirements in Rule 8 could be clearer. It is not clear that the notice has to provide the "when and where" of the appeal hearing.
Solano County	August 3, 2010	In Rule 13(a), why would a mutually agreeable extension have to be approved by the Council's executive officer?
Solano County	August 3, 2010	Rule 13(b) should be fleshed out a bit. Would the Council hold a separate, initial hearing on such "dismiss able" matters? Also, could the executive officer's decision (if so delegated) be appealed to the Council?
Solano County	August 3, 2010	Will an agency be able to submit a response to the allegations made in the appeal? Without this ability, it is a fairly one-sided "briefing" process.
Solano County	August 3, 2010	What are the standards on appeal? For example, who has the burden of proof? What is that burden? Rule 14 uses the term "substantial evidence." What, exactly, does that mean? Also, what are the rules regarding presenting evidence? Is everything admissible?
Solano County	August 3, 2010	It is not clear to me whether or not the Council will, or even can, deliberate in closed session on the appeal.
Solano County	August 3, 2010	Assuming that an appeal is denied by the Council, will a local public agency have to start this entire process from scratch?
Snug Harbor Resorts	August 3, 2010	Page 3, line 30 to 33 regarding levee classification system used by the Delta Vision Strategic Plan, Table 4-1. Please note that the Delta Vision data regarding Delta levees references use of the data from DRMS Phase 1 Final Report, which is currently being corrected due to inaccurate Delta levee historical data used. It is suggested a line be added that only verified accurate Delta levee data be utilized prior to any final determination of actions.
Snug Harbor Resorts	August 3, 2010	Page 5, lines 3 and 4, please add "corrected" before the reference to DRMS

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Snug Harbor Resorts	August 3, 2010	Page 13, Map displaying various data regarding targeted islands of the Delta. Note that Ryer Island should show as the “red” color because the island has a residential population of 300 to 400 persons, not including the seasonal residents that are on the island more than 60 days per year generally. The current map color indicates 100 or less residents, which is incorrect.
Snug Harbor Resorts	August 3, 2010	Page 14 refers to sources of information including items 2 and 3. Please add the word “corrected” before the word DRMS.
Snug Harbor Resorts	August 3, 2010	The map which shows some of the export targets for Delta water could be improved to define which sub-whole sellers purchase from MWD or another Wholeseller; there should also be a clear map or chart showing the breakdown of Delta water export use between residential or urban, agriculture, industrial and thermoelectrical power generation
Snug Harbor Resorts	August 3, 2010	Since the proposed projects of the Interim Plan, coupled with the projects already completed or close to operation, appear to be the building of the CalFed “Preferred Alternative” central canal...why not recognize the body of studies and reports that were developed to reach the 2000 CalFed ROD?
Snug Harbor Resorts	August 3, 2010	Once the Interim Plan construction projects are completed, including the dredging of the McCormack/Williamson area, channel dredging and setbacks of the Mokelumne River adjacent to Staten Island, dredging and channel setbacks of the lower Mokelumne, initiate use of the Freeport pump, DCC reoperation, CCWD new intake at Victoria Canal, and the two gates project, will there even be a need for an additional canal around the Delta?
State & Federal Contractors Water Agency	May 12, 2010	The Council's Interim Plan development should be focused first on developing the fundamental building blocks and components of what will inform and become the Delta Plan that are directly within the Council's purview. This work should be undertaken by the Council and its staff, with formal input from stakeholders.
State & Federal Contractors Water Agency	May 12, 2010	Develop a financing proposal to provide for the administrative costs of the Council.
State & Federal Contractors Water Agency	May 12, 2010	Develop protocols for appropriate cooperation/consultation with state and federal agencies in the development/implementation of the Interim Delta Plan. The recent commitments from Secretaries Salazar and Locke provide an appropriate starting point and the Council should seek monthly status updates from both state and federal agencies...
State & Federal Contractors Water Agency	May 12, 2010	An initial review and comment on the Delta Protection Commission's Land Use and Resource Management Plan as to its consistency with achieving the co-equal goals.
State & Federal Contractors Water Agency	May 12, 2010	Develop an accelerated and focused Science Program and adopt near-term priorities for study that can produce results and reduce uncertainty to better inform near-term decision-making. The Council's effort should build on and consolidate the wide array of available science with particular emphasis on examining the relative contribution of all important stressors to the Delta's ecosystem. This effort would be consistent with and complimentary to the National Research Council's (NRC) ongoing efforts to examine stressors in the Delta and its other recommendations resulting from the recent review of the Biological Opinions for the Coordinated Operation of the Central Valley Project and the State Water Project.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	May 12, 2010	The Council should direct its Independent Science Board and science program to develop recommendations in at least the following areas: improved modeling (including population and lifecycle models); improved understanding of the effects of nutrient loading; modernizing monitoring and data assessment programs to reflect current Delta conditions; improved techniques for integrative biological analyses of the Delta ecosystem and comparison of management options; and, the potential benefits of reallocating pertinent agency financial and staffing resources...
State & Federal Contractors Water Agency	May 12, 2010	Identification and support for early ecosystem restoration and habitat projects. The Council should provide input to both the Department of Fish and Game (DFG) and Department of Water Resources (DWR)
State & Federal Contractors Water Agency	May 12, 2010	...the Council should urge completion of the Yolo Ranch restoration project...
State & Federal Contractors Water Agency	May 12, 2010	Undertake an inventory of relevant land-use, transportation, habitat and other planning processes that will need to be consistent with the Delta Plan. Develop standards of and protocols for review and providing comment/input regarding these local land uses and related planning activities prior to completion of the Delta Plan.
State & Federal Contractors Water Agency	May 12, 2010	Receive bi-monthly Bay Delta Conservation Plan (BDCP) and Delta Habitat Conservation and Conveyance Program (DHCCP) status reports...The Council's role in these processes is limited to an appellate role in the case of an appeal of the NCCP plan approval by the DFG for the BDCP and a responsible agency role in the case of the DHCCP . As such the Council needs to understand these plans content and how they have been produced, but it should not directly engage in their development.
State & Federal Contractors Water Agency	May 12, 2010	Lead the development of (in cooperation with DWR and the Army Corp of Engineers) a strategic emergency response levee improvement plan driven by a set of clear public benefit criteria. Prioritize expenditure of existing bond funds to implement immediate proactive levee improvements to reduce levee potential slumping along the Middle/Old River Pathway from liquefaction in a seismic event.
State & Federal Contractors Water Agency	May 12, 2010	Urge DWR in cooperation with the Army Corps of Engineers to develop a Strategic Levee Investment Plan for the Bay-Delta that includes a risk-based economic analysis...Such a plan should include the following: (i) Enhanced emergency preparedness for in-Delta communities (ii) Enhanced emergency preparedness to reestablish export and in-Delta water supplies after catastrophic levee failure (iii) Sea-level rise adaptation plan for in-Delta infrastructure and transportation corridors (iv) Prioritization for strategic levee investment and concomitant development of criteria defining funding obligations between beneficiaries; integrate with revised Central Valley Flood Protection Plan
State & Federal Contractors Water Agency	May 12, 2010	Identify Delta islands that should be targeted for subsidence reversal and identify implementing entities to develop the program and implementation plan.
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DFG to develop a predation and predator reduction plan to be implemented prior to the next salmon migration to improve juvenile salmon survival (including stepped-up anti-poaching programs for all species of concern).
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DFG to develop and immediately implement invasive and non-native species suppression and control programs that would particularly benefit species of concern (e.g. aquatic weeds, clams, boat inspections, etc.).

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DFG identifying and prioritizing the top 10 (or more) unscreened diversions in the Delta that should be screened immediately and initiate efforts to do so before the end of the calendar year. DFG should also be urged to complete a total inventory of unscreened diversions within the Delta as it has previously committed to do, before the end of the calendar year.
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DWR and the Bureau of Reclamation advancing the experimental 2-gates project in time for potential implementation prior to the 2012 water year.
State & Federal Contractors Water Agency	May 12, 2010	Direct the Delta Science Program to review emerging analysis on nutrient and ammonia/ammonium discharges and make appropriate recommendations to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board before the end of the 2010 calendar year
State & Federal Contractors Water Agency	May 12, 2010	Direct the Delta Science Program to review the merits and make a recommendation to the National Marine Fisheries Service (NMFS) regarding implementation of a mark-select fish management program for California salmon.
State & Federal Contractors Water Agency	May 12, 2010	Direct the Delta Science Program to review the merits and make a recommendation to NMFS and DFG to improve its protocols related to its determination of acceptable recreational and commercial harvest of salmon in the broader context of the entire watershed, ocean conditions, and the proportional impact to species viability from the take of adults versus entrainment of juveniles.
State & Federal Contractors Water Agency	June 7, 2010	Notwithstanding the clear intent of this language that a statewide approach to increasing regional self-sufficiency is the statutory direction for meeting future water supply needs, some have stated that the legislation establishes a State policy to reduce exports from the Delta. Reduced reliance does not mean absolute reduction. As additional regional supplies are added to meet growth in demands the relative reliance on Delta exports will decrease but the actual level of exports likely will not. Indeed, it is an objective of the Bay Delta Conservation Plan to restore supply lost to recent regulatory actions consistent with the co-equal goals.
State & Federal Contractors Water Agency	June 7, 2010	...the "reduced reliance" language is part of a paragraph focused on statewide investment in regional self-sufficiency. The intent is investment in developing new water supplies and improved water use efficiency at the regional and local level will relieve the burden of increasing demands upon the export projects. Proportional demands relying on export supplies will decrease going forward -- the practical result of increasing population growth and large demands remaining unmet in many years because the volume of exports will continue to be limited by regulatory requirements and hydrologic conditions, thus increasing the proportional dependence on regional self-sufficiency to meet future water supply reliability goals.
State & Federal Contractors Water Agency	June 7, 2010	As Delta Vision concluded, the main point is that the system should be optimized for both ecosystem restoration and improved water supply reliability by better managing diversions throughout the watershed. This determination presaged the similar recommendations made by the recent National Research Council report which also concluded we must undertake a much more sophisticated approach to Delta management.
State & Federal Contractors Water Agency	July 2, 2010	We recommend that you revise the focus of the IP effort and direct your consultants to focus on satisfying §85084's legislative direction by developing and prioritizing lists of actions, projects and programs that can be initiated immediately, along with related recommendations to pertinent state and federal agencies to assess, and where appropriate revise, their regulatory and other activities to facilitate these "early" recommendations.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	There are many instances within the draft IP where it is unclear as to the relationship of the Council to legislatively mandated work products that were legislatively delegated to other agencies to provide to the Council for incorporation into or to “inform” the Delta Plan. We recommend that the Council identify each aspect of your plan development effort dependent upon input from other agencies and provide a description of each; outlining the relationship of the Council to the development of those products, including its consulting role (if any), and its review authority (if any).
State & Federal Contractors Water Agency	July 2, 2010	While the Council of course has the responsibility to assess the outcome of the BDCP and the concomitant regulatory requirements developed by the SWRCB against the co-equal goals, it does not have the authority or institutional capacity to insert or substitute itself into these very complex, legally intricate and already transparent public processes. The Council, as it has already begun to do, should receive regular informational briefings regarding the progress of these efforts so that it may provide comment and advice. It should not become yet another forum where contested issues are reargued and debated...The Legislature’s designation of the Council’s unique role in the DHCCP process should not be expanded into assertion of a general role in all activities that will feed into it.
State & Federal Contractors Water Agency	July 2, 2010	Environmental restoration and conservation components of the BDCP will satisfy mitigation and enhancement needs relative to Project operations and endangered species act requirements. Yet, the draft IP seems to imply a more intrusive role for the Council, with use of words such as “develop” and “establish” in the context of policy issues that are not for the Council to resolve but rather are for the Council to provide a clearinghouse for information related to them and an independent review as to whether the developed policies are consistent with the co-equal goals and the Delta Plan.
State & Federal Contractors Water Agency	July 2, 2010	Page 2, bottom: the draft states that the proposed Appendix 1 of “Council-approved Actions” will include “actions regarding the [BDCP]” and cites code section 85320(e)...This part of the proposed Appendix 1 should be deleted. If it is not, then the document must provide a clear explanation of the Council “actions regarding the [BDCP]” that are contemplated for inclusion.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: The first and second accurately state the listed activities are the responsibilities of other agencies (DFG, SWRCB and DWR). Consequently, the IP should clarify...that the Council will be monitoring and receiving information, not formulating actions, regarding these areas. Bullets 3 and 4 are appropriate to include in the IP as they are within the purview of the Council to actively engage on, though DWR is designated as the lead for coordinating flood management and water supply operations of the SWP and CVP.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: Bullet 5 shouldn’t be included in the IP since the Delta Protection Commission’s (DPC) economic sustainability plan isn’t due until a year from now on July 1, 2011. As a result, it should be incorporated into the DP instead.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: The sixth bullet describes the DPC’s development of its “delta as place” proposals as if the Council is to do it. The Council is to review the DPC’s recommendations, once completed, for consistency with the Delta Plan and achieving the co-equal goals. This sixth bullet should clarify the Council’s role in distinction to that of the DPC.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	Page 7, "Section 85020(a)...The activities that will be addressing this policy aim are generally outside the purview of the Council and have been either specifically delegated to others (e.g., BDCP, DFG, SWRCB) in the Act or they are central to existing authorities of other agencies. The Council should not be inserting itself into these issues because (a) addressing them in detail is not its job, (b) there is no need to establish another forum for debate and argument, and (c) it doesn't have the expertise or institutional capacity to do so effectively.
State & Federal Contractors Water Agency	July 2, 2010	Page 7, bottom, "Background": The Delta is not "the source" of drinking water etc. The source of the water is the Sierra Nevada and the Delta is a conveyance location for that water to the SWP and CVP pumps. The statement that there are "more than a half million residents" needs to specify that that figure reflects both the primary and secondary zones of the Delta. The use of "its flows" is inappropriate.
State & Federal Contractors Water Agency	July 2, 2010	Page 7, bottom, "Background": With regard to the state's agricultural industry, it would be the "flows through the Delta and water exports from the south Delta" that are critical.
State & Federal Contractors Water Agency	July 2, 2010	Page 7, bottom, "Background": For commercial fishing, flows through the Delta are one critical factor. The use of the term "islands" is misplaced with respect to land forms in the Delta. Instead of "islands", we suggest substituting "...and its lands, levees and waterways form important...."
State & Federal Contractors Water Agency	July 2, 2010	Page 8, paragraph starting with "The challenges....": Here and throughout, whenever climate change and sea level rise are mentioned, alteration to hydrology in the Delta watershed should also be mentioned. Use of "along Delta rivers" with regard to the potential for increased flooding is confusing. We suggest "potential for increased flooding along Delta tributaries and within the Delta itself."
State & Federal Contractors Water Agency	July 2, 2010	Page 8, 2nd bullet at the bottom: The citation to §85084.5 as authority for the proposed early action to "coordinate with and support the DFG in developing flow criteria" misstates the law...There is no role for, or the need for, the Council to "coordinate and support" in this area. Again, receiving information and monitoring DFG's development of its recommendations is certainly appropriate, but "coordinate with and support" implies a more active engagement which we believe is beyond the Council's scope of authority.
State & Federal Contractors Water Agency	July 2, 2010	Page 9, third check mark under "Performance Measures and Targets": "development and acceptance of flow criteria developed by DFG and SWRCB" is inappropriate. The Council does not have authority to "develop" nor "accept" these as they are the sole responsibility of DFG and the SWRCB and are to inform BDCP operational discussions as well as the SWRCB Water Quality Control Plan (WQCP) and water rights decisions that will need to follow. This should be changed to "Monitor and receive information regarding flow criteria developed by DFG and SWRCB."
State & Federal Contractors Water Agency	July 2, 2010	Page 9, 2nd paragraph of "Background": In addition to "pioneer farmers" it would be historically accurate to also acknowledge the Chinese laborers that built most of the Delta's levees.
State & Federal Contractors Water Agency	July 2, 2010	Page 10, 4th paragraph: Is there no data more current than 1994? Also, instead of using a combined figure for goods and services production in the Delta, it would be helpful to breakout how much was generated in the primary zone versus the secondary zone
State & Federal Contractors Water Agency	July 2, 2010	Page 10, 5th paragraph:...Suggest deleting the last sentence.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	Page 12, “Performance Measures and Targets”: It is important that the Council not expect every action to be measured against satisfying both of the co-equal goals and instead understand that it should be assessing the entire range of activities as part of a comprehensive package approach toward achieving them. We suggest that the document explicitly state that the targets are to be assessed as a package and not with absolutes related to each individual measure...
State & Federal Contractors Water Agency	July 2, 2010	Page 13, “Section 85020(h): Establish a new governance structure...”: Almost by definition, this is not an “early action” and thus shouldn’t be part of the IP. To include this in the IP would be premature as well as a huge diversion from beginning to address more immediate needs that should be the purpose and objective of the IP. This is a topic for the Delta Plan, not the IP. In addition, “new governance” was comprehensively addressed by the legislation itself through establishment of the Council, the Conservancy, and the Water Commission; as well as the revision of the DPC’s composition. Also, BDCP is incorporating a new “governance” structure to oversee its implementation and adaptive management going forward.
State & Federal Contractors Water Agency	July 2, 2010	Page 13, bottom: Whenever referencing §85021 we urge you to quote it exactly rather than paraphrase. Here, key words are missing: “future” related to water supply, and “a statewide strategy of investing in” related to increased regional self-reliance.
State & Federal Contractors Water Agency	July 2, 2010	Page 15, “framework”: Developing a “delta flow plan” and a “delta ecosystem restoration plan” are beyond the scope of the Council’s mission. The former is part of the BDCP with ultimate authority at the SWRCB. The latter is a combination of the BDCP and Delta County HCPs...the text should clarify the intent...that the Council would receive these products from the appropriate agencies for inclusion in the Delta Plan. With regard to “tool” number 6, it would be helpful for the text to clarify that the Council will not be developing or establishing performance standards but rather, as reflected in the text, a methodology for measuring general progress in the area of improving California’s water supply reliability.
State & Federal Contractors Water Agency	July 2, 2010	Page 15, “Delta Water Flow Plan”: This is written as if the Council will be developing a “Delta Flow Plan”...it would be helpful for the text to state explicitly that what is contemplated is the incorporation into the Delta Plan of the operational and flow requirements established via the BDCP permit conditions and the subsequent related SWRCB WQCP and water rights decision(s), which will ultimately address diversions in, upstream and from the Delta. It is also particularly important to acknowledge that the SWRCB’s flow criteria are being developed as informational only and do not reflect the required balancing of beneficial uses of water required as integral to a WQCP -- not to mention analysis relative to consistency with the co-equal goals.
State & Federal Contractors Water Agency	July 2, 2010	Page 16, top: Ecosystem restoration activities promoted by the Council should only be proffered as and if they are complementary to and supplemental of those in the BDCP and Delta County HCPs. After “Interim Plan” on the 2nd line of the page, we suggest adding: “that complement and/or supplement the BDCP and Delta Counties’ HCPs.”

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	Page 16, section re: Levees: We concur with Delta Vision Strategic Plan Strategy 6.3 and urge the Council to immediately initiate the preparation of a comprehensive long-term levee investment strategy that is consistent with the level of protection provided and the uses of land enabled by those levees. Concurrent with the development of this categorization, we urge the Council to also develop criteria for the prioritization of funding to facilitate the earliest possible action on levees that are identified as its highest priorities within the investment strategy. With respect to public funding, we believe public funds should be applied to priority levee projects commensurate with public benefits provided and those levees implicating the greatest and highest priority public benefits should be carried out first.
State & Federal Contractors Water Agency	July 2, 2010	Page 18, "Finance Plan": On the last line of the first paragraph, the text states that various strategies from the Delta Vision Strategic Plan (DVSP) "must be considered in developing the Delta Plan." This could be read to overstate what the Act requires of the Council. Though required to "consider" the strategies in the DVSP, it is not required to choose to utilize them; rather it "may include" them. [\$85300] We suggest the language be revised to convey the permissive direction of the legislation rather than implying a mandatory one when it comes to the Council's discretion related to the strategies and recommendations of the DVSP.
State & Federal Contractors Water Agency	July 2, 2010	Appendix (App) 4, page A-12, first bullet under Section 85020(c): channelization by the levees also changed flow patterns within the Delta, so we suggest adding "and altered flow patterns resulting from the Delta's changed geometry."
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-12, final paragraph of "Background": should include changed hydrology along with sea level rise as a climate change impact.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-13, Section 85302(e): though extracted from the legislation, this list should be put into context by explicitly stating that these activities will be pursued in a manner that is complementary and/or supplementary to the BDCP and Delta Counties' HCPs, without duplication or substitution.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-13, 3rd Bullet under SBX7 1: the language in the second line should be changed from "may" to "shall" to be consistent with the legislation.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-15, middle of page: discussion of Council endorsing performance measures, should say "these and/or other" rather than just "these and other" as that implies "these" are pre-determined as accepted.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-15, middle of page: ...the Council is not in position to "accept" DFG developed flow criteria...
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-16, top, first line: replace "from" with "conveyed through".
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-16, paragraphs 4, 5, and 6: It would be useful and informative to provide a similar historic rendering of the supply side of the ledger, including the constraints imposed on SWP and CVP deliveries over the last two decades and the success of demand management and conservation efforts throughout California over the same time period used to describe the changes in per capita water use. In the Bay Area and Southern California, aggregated water use is close to the same amount today as was used a generation ago. Also, we suggest using the word "demand" instead of "use" in many instances in these paragraphs, as these words define different things in the context of urban water management.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-17: After the bullets, we suggest adding some text explaining that the Council may seek to establish a monitoring protocol so it can track progress across California in satisfying these legislative mandates.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-18: despite being included as a couple of things to “consider”, the Council does not have the authority or jurisdiction to actually “establish” or “develop” either “regional self-sufficiency standards” nor “statewide and regional strategies to reduce reliance on the Delta in meeting California’s future water supply needs.”...we suggest adding language stating that the Council may seek to become an informational clearinghouse to track progress. Furthermore, the notion that these extremely controversial issues should be a focus of the IP is misplaced, unless it is to develop a monitoring role rather than one that assumes a capability to “develop” standards.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-22: “Section 85020(f)...While the current draft indicates the language for the section will be developed for the second draft, the conveyance issues are being addressed by the BDCP and DHCCP. Other than perhaps recommending the benefits of increased statewide storage (surface and groundwater), the Council’s role in effectuating this policy direction is limited to its “responsible agency” designation for the DHCCP EIR/EIS.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-23: paragraph starting with “Section 85302(b)(2)” has transposed the code section number. All “85302”s need to be changed to “85320”s.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-24, Para 3, line 2: Statement that climate change “could require additional water for the ecosystem” is presumptuous, assumes a static view of the ecosystem and that water supplies would be used to maintain such a static system in the face of climate change. This is well beyond the scope of the Council’s authority or mission. It might be appropriate, in the alternative, to indicate that climate change will add further stress and uncertainty to ecosystem management in the Delta and challenge the practicability of traditional regulatory constraints.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-24, paragraph 4: should specifically reference changed hydrology (timing and peaks of flood flows) along with “more...intense storm events.”
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-24, paragraph 5, line 1: “conveyance around the Delta” – should be changed to simply “new Delta conveyance” as it is yet to be determined where or what type of new conveyance will be the preferred project, if any.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-25: seem to be missing sentence at end of paragraph 2...?
State & Federal Contractors Water Agency	July 2, 2010	Appendix 5: The following project should be included as an IP “early action”...Yolo Ranch Habitat Restoration Project
State & Federal Contractors Water Agency	July 19, 2010	The document’s repeated statement that the IP is intended to provide a framework for early actions and the corollary on page v (lines 5-6) that the IP “will outline processes the Council will use to develop its recommendations for early actions, projects and programs” are not consistent with section 85084’s direction that the IP include early actions, projects and programs. Action, not process, was the legislation’s expectation.
State & Federal Contractors Water Agency	July 19, 2010	We urge the Council to give strong direction to staff to make the IP an action plan focused on near-term activities that: (a) are not already being pursued by other state and/or federal entities under existing authorities; (b) can provide immediate support to the achievement of the coequal goals; and, (c) reserves most of the Council’s administrative processes to developed as part of the Delta Plan to allow significantly more public engagement than can or will result in the next month.
State & Federal Contractors Water Agency	July 19, 2010	The Council could provide such “value added” by recommending that efforts to address “other stressors” in the Delta system be intensified well beyond current lackluster or non-existent approaches.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 19, 2010	In this vein, we also encourage the Council to contact the office of the President's Council on Environmental Quality which has recently undertaken an initiative to ensure the federal agencies are organized to effectively address "other stressor" problems relative to the Delta.
State & Federal Contractors Water Agency	July 19, 2010	The description of the "Delta water flows" tool, as part of the IP's seven "Analytical Tools for Council Action", needs to be significantly revised. The IP's description references the flow criteria to be developed by the SWRCB this summer and those to be recommended by the Department of Fish and Game (DFG) before the end of the year. These "flow criteria" are identified as a "tool" to help the Council as part of the "framework" development of the IP. Considering these flow criteria, which do not reflect a legally required balancing among beneficial uses (including meeting the water supply reliability component of the coequal goals), would be improper as a "tool" because these criteria are simply informative and will not equate to the actual flow objectives to be adopted by the SWRCB through a water quality planning proceeding balancing competing beneficial uses of water. It is these objectives that ultimately will shape the water management regime within which the Delta Plan will be implemented.
State & Federal Contractors Water Agency	July 19, 2010	Before a revised water quality control plan is adopted, the Council should limit itself to utilizing the current regulatory regime of the Board's water quality control plan, including conditions imposed by the Biological Opinions for the State Water Project (SWP) and the federal Central Valley Project (CVP), or as they may be modified, as the "tool" to inform its deliberations when appropriate. The issue of "flow criteria" is not a "core responsibility" of the Council. It is an issue that will inform the Council's deliberations, but the Council itself does not have a deliberative role related to their development. Delta flows and water management regulation are within the purview of the SWRCB.
State & Federal Contractors Water Agency	July 19, 2010	On page 28, line 33 appropriately mentions "additional information will be added" over time, including "results" from the BDCP. However, the statement that the SWRCB and DFG flows "will be one of the early considerations of Delta water flow" it is unclear who is doing the "considering". Is it contemplated that it will be the Council or some other entity[ies]? If the Council is doing the "considering", the draft needs to explicitly set forth why, for what purpose, and under what authority the Council is to be either involved in the development of flow criteria and/or how it views its role in relation to their development and implementation by the SWRCB.
State & Federal Contractors Water Agency	July 19, 2010	...the statement on page 40, lines 10-11 that links measuring "statewide [water] diversions" to tracking progress in meeting the policy charge of section 85021 should be made more explicit that the assessment of "statewide diversions" would be intended to establish a baseline multi-year average of SWP/CVP water project deliveries as contemplated by the BDCP into the future rather than a present-day snapshot of "statewide diversions".
State & Federal Contractors Water Agency	July 19, 2010	On page 1, lines 24-25 (as well as a similar reference on page 4, line 42), the Delta is identified as "the source of drinking water for nearly two-thirds of the state's population"....this is inconsistent with how state water law defines sources of water, as well as the permits for many diversions based on those rights. For the majority of pertinent diversions, the "Delta" is not the "source" of these waters. Rather, most of the water is diverted under permit upstream in the Sierra Nevada, stored and subsequently released into the Sacramento River system where it flows into and through the Delta and subsequently re-diverted by other facilities. To describe both direct diversions from the Delta and permitted appropriations upstream, we suggest, as an alternative: "Nearly two-thirds of the state's population relies on the Delta watershed for all or part of its drinking water." Additionally, for the same reasons as outlined above, the use of "its flows" on line 25 is misleading and should not be used.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 19, 2010	...if the Council intends to adopt a final IP at its August meeting, we respectfully request that the 3rd Draft IP be provided to the public at least two weeks prior to the Council's meeting so detailed comments may be communicated to the Council for timely consideration prior to the meeting rather than having to present them solely at the meeting itself.
State & Federal Contractors Water Agency	July 28, 2010	The implication, if not the conclusion, is that as we pursue comprehensive solutions, the overall magnitude of today's flows may be adequate to serve public trust resources. Moreover, it is important to acknowledge that the Bay Delta Conservation Plan (BDCP) is a central part of a multi-purpose, comprehensive approach to system restoration and infrastructure investment that the Board indicates is necessary to achieve significant improvements for public trust resources while supporting improved water supply reliability.
State & Federal Contractors Water Agency	July 28, 2010	The much quoted statement "Restoring the environmental variability in the Delta is fundamentally inconsistent with continuing to move large volumes of water through the Delta for export" (emphasis added) clearly leaves open the better option that with improved conveyance that resolves reverse flow and entrainment issues, water supply reliability and sufficiency can be restored concurrent with returning environmental (flow) variability to the Delta. For this reason, as also found by both the Legislature and Delta Vision, improved conveyance remains a key component of fixing the Delta.
State & Federal Contractors Water Agency	July 28, 2010	The Report's recommendations were developed narrowly looking at only outflows thought necessary to protect a few select aquatic species as a stand in for "public trust resources." No feasibility or impact analysis was done and none of the legally required balancing of competing beneficial uses of water was performed or judgment made on serving the overall public interest.
State & Federal Contractors Water Agency	July 28, 2010	It is also worth noting that despite defining flows the Board felt could protect public trust resources there was no discussion on the likelihood that such measures, especially without considering the myriad of other factors, would accomplish their underlying biological objectives. To paraphrase the report's language, commitment of flows would be an experiment whose outcome is speculative. However, the massive negative impacts to the State's economy from doing so are not.
State & Federal Contractors Water Agency	July 28, 2010	For the Delta Plan to be effective in the real world it must look at all the issues and needs relative to the Delta in defining a plan that seeks to achieve the coequal goals. The BDCP will go a long way in meeting that challenge, which is why the Legislature directed its inclusion in the Delta Plan upon satisfying specified criteria in the Delta Reform Act.
State & Federal Contractors Water Agency	July 28, 2010	As such, flow criteria on the order suggested in the report are not reasonably achievable without devastating California's economic well-being and quality of life. Moreover, even if more dramatic conservation and recycling could somewhat mitigate the economic and social impacts, the effects of the dedication of the proposed flows on other competing public trust resources would not be similarly mitigated.
State & Federal Contractors Water Agency	July 28, 2010	...we believe the coequal goals can be achieved, in time, with appropriate investments in infrastructure and habitat, improved scientific understanding, "other stressor" reduction, and better water management protocols that improve hydrodynamic variability in the Delta while capturing water supplies during high flow periods and reducing impacts during low flows, all within a robust adaptive management context.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 28, 2010	Upon reviewing the Council’s discussion of its DHCCP EIR “scoping” comments, and notwithstanding our May, 26, 2010 communication to you specifically addressing this issue (attached), we remain troubled that the Council is still misinterpreting the scope and intent of Water Code section 85021, added by SBX7-1. Section 85021 declares state policy “to reduce reliance on the Delta in meeting California’s future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.” Our May letter argued for the Council to interpret section 85021 consistent with the plain meaning of the statutory language.
State & Federal Contractors Water Agency	July 28, 2010	Specifically, there are two key modifiers to section 85021’s general statement that reliance on the Delta should be reduced that are often omitted from conversations regarding its meaning. They are: (1) “future”; and (2) “through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.” [Emphasis added.] These modifiers make it clear that the water which is being conveyed through and diverted from the Delta to serve existing beneficial uses was not intended to be impacted by this provision. Instead, the statute is directed towards future increases in “water supply needs” and a “statewide investment strategy” to meet them without focusing on the Delta. Any other interpretation would impute to the Legislature intent to strip millions of Californians of the water supplies on which they now rely in complete disregard of the co-equal goals.
State & Federal Contractors Water Agency	July 28, 2010	Asserting that SBX7-1 requires the further reduction of water supplies currently available to SWP and CVP contractors would eviscerate one of the coequal goals (“providing a more reliable water supply for California”), and thus ignoring the clear contrary legislative directive. It would exacerbate the current unstable reliability of imported water supplies in SFCWA member agencies’ service areas. In addition, trying to insert development of a response to Section 85021 into the BDCP/DHCCP EIR/EIS as a concomitant focus of analysis and a parallel project purpose is unnecessary, impractical and inconsistent with the timely achievement of the coequal goals.
State & Federal Contractors Water Agency	July 28, 2010	The standard approach to statutory interpretation also demonstrates that SBX7-1 did not create a power or duty in the Council with respect to implementation of Section 85021. First, Section 85057.5(b)(1) provides that state regulatory actions are not “covered activities” for purposes of Council jurisdiction. Modifying the Delta diversion rights of the SWP and CVP can only be accomplished by the State Water Resources Control Board pursuant to its regulatory authority over water rights. Second, Section 85057.5(b)(2) states that operation of the SWP and CVP are not covered activities subject to the Council’s review and appellate authority. Finally, Section 85031(d) specifically disclaims any legislative intent to interfere with or impact substantive protections related to water rights. All of these sections demonstrate that the policy statement found in Section 85021, and the statewide investment program to meet future water demands to which it refers, is a distinct and separate program outside the purview of the Council’s authorities. However, the Council can and should play an important role in monitoring progress toward the achievement of Section 85021’s policy goal through activities implemented outside the BDCP/DHCCP process.
State & Federal Contractors Water Agency	July 28, 2010	...it is at least clear that the Council’s required hearing and its appeal authority cannot be used to require more from the BDCP than is required under these governing environmental laws. However, because SBX7-1 is silent on the appeal process and the scope of review if an appeal is lodged pursuant to section 85320(e), analogies to other laws should be used to address this lack of legislative guidance.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	July 28, 2010	Starting with the straightest forward of Section 85320(e)'s required elements, holding a hearing or processing an appeal on the question of whether the federal fish agencies have approved the BDCP as a habitat conservation plan pursuant to the federal ESA, would be a meaningless act. From a federal supremacy viewpoint, the federal fisheries agencies have the exclusive authority to determine whether the BDCP constitutes an HCP under the applicable federal laws they administer. The issuance of the HCP and its associated take authority by those federal agencies will be conclusive on all parties as to whether the BDCP has met that condition of Water Code section 85320(e).
State & Federal Contractors Water Agency	July 28, 2010	With respect to CEQA and the DHCCP EIR, as noted above, Section 85322 clearly states that otherwise applicable CEQA requirements are not modified by Sections 85320 and 85321. Thus, the determinations DFG will make are (a) whether all of the topics listed in Water Code section 85320(b)(2)(A) through (G) have been included in the DHCCP EIR and (b) have those topics been adequately addressed within the EIR as required by CEQA and its Guidelines. In making this second determination, DFG will be acting as a responsible agency for the DHCCP EIR, and will have, prior to the time it approves the BDCP as an NCCP, affirmatively, or by operation of law if it fails to timely challenge the EIR, determined that the EIR complies with CEQA's requirements.
State & Federal Contractors Water Agency	July 28, 2010	...an appeal contending the DHCCP EIR is inadequate under CEQA would not be within the Council's jurisdiction to decide. ⁶ That task is left to the courts and the Council will be constrained by the dictates of Public Resources Code section 21167.3. Further, the full body of law cannot be interpreted to allow a disgruntled individual or entity to evade the Public Resources Code's mandatory procedures for challenging the adequacy of an EIR (including its 30-day statute of limitations) by filing an appeal with the council -- particularly in the case of the DHCCP EIR where, with probable certainty, that would result in parallel proceedings, one before the Council and one in the courts, on the same legal and factual issues.
State & Federal Contractors Water Agency	July 28, 2010	SFCWA believes that these cases and, in particular, the fact that any appeal to the Council related to the NCCP Act will by definition involve an adjudicatory decision (granting incidental take authority) that is within the exclusive jurisdiction of DFG, lead to only one possible conclusion. Any such appeal should be limited to the question of whether DFG's decision to enter into the NCCP agreement and grant incidental take authority was an "abuse of discretion" as defined by the California Supreme Court.
State & Federal Contractors Water Agency	July 28, 2010	Finally, the SFCWA does not believe that the subject legislation can be properly interpreted to grant groups or individuals that are dissatisfied with the NCCP and its associated take authorization the ability to choose either an appeal to the courts with a deferential "abuse of discretion" standard of review or to the Council with an asserted "de novo" standard of review. This would be a particularly difficult conclusion to reach when there is no evidence that the Legislature has determined that the Council is better equipped or has more expertise than DFG to make the types of technical, scientific, and policy decisions that the Legislature comprehensively delegated to DFG when it passed the NCCP Act in 1991. Thus, the scope of review upon an appeal to the Council should be no different than would be accorded to a plaintiff/petitioner in the courts.
State & Federal Contractors Water Agency	August 3, 2010	p. iv, lines 37-39: document says the Council will give highest priority to "issues that require action" which should be at least coupled with, if not replaced by, recommendations for actual "early actions, projects and programs" as directed by the Act.
State & Federal Contractors Water Agency	August 3, 2010	p. v, line 2, line 4, lines 5-6: The IP must be more than a "framework" for outlining "processes" to develop "recommendations for early actions, projects and programs." It must also be, at a minimum, an actual ACTION plan.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p. vii, lines 15-17: Any description of the “use” of “Delta water flows” needs to be revised to explicitly state how the Council sees such “use” in its process and under what authorities etc. Generally, we do not believe this issue is within the purview of the Council and should be deferred to the SWRCB’s water quality control planning and water rights processes. This is particularly the case with respect to the recent SWRCB flow criteria report related to protecting public trust resources.
State & Federal Contractors Water Agency	August 3, 2010	p. vii, lines 18-25: The discussion of the use of the CALFED ERP for purposes of the IP should include the need to consider/coordinate with the BDCP Conservation Strategies and that the Delta Plan will incorporate the BDCP itself which, along with the County HCPs, will encompass the breadth and scope of appropriate in-Delta ecosystem restoration efforts.
State & Federal Contractors Water Agency	August 3, 2010	p. viii, line 13: The statement that the “seven tools focus on core responsibilities of the Council” overstates the Council’s role vis-à-vis Delta water flows and the Ecosystem Restoration Plan. These are within the purview of the SWRCB and the BDCP (with the County HCPs) respectively. We do suggest adding as a separate item/“tool” an Emergency Response Preparation and Coordination section.
State & Federal Contractors Water Agency	August 3, 2010	p. 1, line 24: The Delta is not the “source” of drinking water as described in the draft. We refer you to our comments on this issue in response to the first draft and in our general comment letter on this draft.
State & Federal Contractors Water Agency	August 3, 2010	p. 1, line 34: replace “are not” with “have not been”. All the cited laws may in fact provide effective protection if they were actually enforced more uniformly, particularly with regard to removing or reducing “other stressors”. To make a conclusory statement such as “are not” falls into the category of “asserting facts not in evidence”.
State & Federal Contractors Water Agency	August 3, 2010	p. 1, line 35: just as it is incorrect to say the Delta is the “source” of water for the export projects, it is also incorrect to say there are “exports through the Delta”. Water, diverted in the Sierra Nevada, flows across the Delta to the project pumps. It would be more accurate to say “project pumps in the south Delta export water that has been conveyed across the Delta.” or something like that.
State & Federal Contractors Water Agency	August 3, 2010	p. 2, lines 6-7: instead of “more water must be conserved” it would be more encompassing and accurate to say “water must be used more efficiently” which includes conservation but also many other activities to stretch supplies. On line 7 substitute “ameliorate” for “address” since conservation is not really a strategy to reduce shortages themselves but a way to reduce the impacts of shortages. Insert “improve flexibility in managing” between “and” and “the Delta” as the ability to better manage for the coequal goals will result from being able to better buffer against and manage for shortages through improved WUE. It is also important to articulate that water conserved won’t “address” the Delta ecosystem directly, rather than perpetuate the false presumption that it will.
State & Federal Contractors Water Agency	August 3, 2010	p.2, line 12, line 15: use of the word “Compounds” is confusing in that it can mean so many things. Would “compounds” include sediment? Is it natural substances like mercury or chemical pollutants that result from human activity only? Perhaps there is a more accurate and encompassing word for the point being made
State & Federal Contractors Water Agency	August 3, 2010	p.2, lines 38-39:..the notion that climate change “will require additional flows to be released from reservoirs to maintain water quality for the ecosystem” presumes conditions and ongoing regulatory standards that are unknowable at this time and ignores other measures that can, and are required by the Delta Reform Act to, be taken to maintain water quality to protect beneficial uses. Instead of “require additional flows” we suggest using “will likely require changes to the regulatory and operating criteria for terminal reservoirs in the Delta watershed.”

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p.3, lines 36-37: use of “historically high levels of water export...in the last two decades” is questionable and could be read as implicating some level of imbalance in the overall management scheme in the Delta. This statement discounts the fact that all regulatory requirements were being satisfied, historic wet years occurred during this time period, and the Environmental Water Account was implemented to allow for increased exports at certain times while providing protection for fisheries at others, etc. In the context of the paragraph, it would be more appropriate and accurate to simply use “operations of the major South Delta pumps” as one of the causes “in some combination”.
State & Federal Contractors Water Agency	August 3, 2010	p.5, lines 4-11: This entire paragraph is superfluous and too simplistic to boot. It should be deleted. To say improved conveyance between the Sacramento and San Joaquin rivers is confusing. Water is not being conveyed to supplement the San Joaquin River, it is being conveyed to the SWP/CVP project facilities. Also, the original plans for the SWP (which became the CVP) in the early decades of the 20th century included a conveyance facility like a “peripheral canal” as a key component of the overall infrastructure. It did not first appear in the 1950s or 1960s as this language implies.
State & Federal Contractors Water Agency	August 3, 2010	p.5, line 12-13: The first sentence implies that there are no anadromous “attraction” flows today, that is not the case and the sentence should be revised. We suggest, “Some development of water resources facilities to improve water conservation and flood management have partially modulated downstream flows during storm events that cue or attract upstream migration by anadromous fish.” Also, substitute “provide” for “provided” on line 13.
State & Federal Contractors Water Agency	August 3, 2010	p.5, lines 23-24: assertion that X2 is “to be protective of the ecosystem” is subject to debate and here it’s stated as fact. We suggest simply substituting “to meet regulatory requirements” for all the verbiage in the sentence after “Delta”.
State & Federal Contractors Water Agency	August 3, 2010	p.5, lines 28-30: the ability to repair massive levee failure and the need to use reservoir releases to reverse saltwater intrusion are both dependent upon where and when such a failure would occur, the water year type, etc, etc. While the sentence does say “could” it reads as more definitive than the assertions really should be considered.
State & Federal Contractors Water Agency	August 3, 2010	p.12, lines 16-27: This paragraph should be modified (or the report should add a separate section) by adding reference to actual early actions that the Council will recommend rather than repeating the notion of the IP being a “framework” for developing recommendations. As noted, some “early actions” were expressly identified and delegated to other agencies in the Act, however, there are areas where the Council could provide recommendations on early actions that are not being pursued by others but should be, e.g. reducing other stressor impacts etc.
State & Federal Contractors Water Agency	August 3, 2010	p.12, line 35: the statement that the “Council work on „early actions” will appropriately continue under the framework of the Interim Plan” should be revised so that the “early action” recommendations/activities of the Council are not described as needing to “wait” for anything.
State & Federal Contractors Water Agency	August 3, 2010	p.13, lines 2-7: The delineated sections of the “Plan” are incomplete because of the conspicuous absence of a section setting forth actual “actions” to be recommended. “Tools for Action” are not the same as “action” as the Act calls for.
State & Federal Contractors Water Agency	August 3, 2010	p.13, lines 16-17 and 20-21: Both of these paragraphs should add that these are “illustrative only” since until they are actually revised and provided as proposals there should be no confusion as to their being only placeholders and not actual proposals.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p.15, Framework for Early Actions section. This section needs to be revised to reflect Vice-Chair Fiorini’s direction, concurred with by the Council, that actual early actions and categories of actions be listed in addition to the discussion of the so-called “framework” for developing recommendations for other early actions, projects and programs. The Council and the IP should be more concerned with early actions it can promote that aren’t already being carried out and less concerned with those that have been delegated to others in the Act.
State & Federal Contractors Water Agency	August 3, 2010	p.15, lines 15-28: These first two bullets related to “Delta flows” and the responsibilities of the Department of Water Resources should not be included in the IP as they are actions of other agencies and outside the purview of the Council. The Council should limit itself to monitoring progress on these fronts and receiving informational updates as appropriate.
State & Federal Contractors Water Agency	August 3, 2010	p.15, lines 29-36: These three bullets are within the purview of the Council but should not be included in the IP but are rather they are activities that will properly occur as part of the Delta Plan development.
State & Federal Contractors Water Agency	August 3, 2010	p. 16, lines 11-12: With respect to the reference to the Council’s potential appellate role regarding DFG’s BDCP determinations, we submitted separate detailed comments on this issue in a July 28, 2010 letter, which we incorporate here by reference. While the comments were specifically responding to Sections 23-25 within the Council’s proposed procedures described in Appendix, Section 3, we believe they are applicable to the IP generally as well.
State & Federal Contractors Water Agency	August 3, 2010	p.16, lines 25-26: The statement that the Council in the Delta Plan “will identify and select among alternative actions to satisfy requirements of the [Act]” raises the question of how the Council sees itself as an implementing agency rather than developing a plan that others will implement with monitoring by the Council. We believe more clarity on this point is necessary to allow more effective dialogue with state/federal agencies and the stakeholder community.
State & Federal Contractors Water Agency	August 3, 2010	p.16, lines 27-28: While a process for amending the Delta Plan makes sense to consider, the short timeframe of the Interim Plan makes amendment and any discussion of a process to do so superfluous. The Delta Plan will reflect any needed changes to the IP. This seems like process for the sake of process rather than need.
State & Federal Contractors Water Agency	August 3, 2010	p.22, line 19: insert “rigorous” between “undergone” and “peer review”. The term “rigorous” is an important qualifier because too often ostensible peer review can be poorly done and really only perfunctory, while still being deemed “peer reviewed”. That should be avoided. In addition, the word “rigorous” appears in the Sullivan article; “Defining and Implementing Best Available Science for Fisheries and Environmental Science, Policy, and Management”, cited in footnote 9.
State & Federal Contractors Water Agency	August 3, 2010	p.22, line 20: add “...applicable field(s) of study, where results of that peer review are transparent to stakeholders.” This transparency is critical to ensuring as broad an acceptance of the results of the analyses as possible.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p.23, lines 1-7: We suggest the follow changes to emphasize that the Independent Science Board and the Delta Science Program will be central to the Council’s process for assessing and determining which science is the “best”. Building the credibility of monitoring protocols, the validity of the information gleaned from that monitoring, the assessment of it, and the resulting conclusions informing policy choices must be improved over the present situation. “The Council will draw rely heavily upon the Delta Independent Science Board and the Delta Science Program scientists and experts in determining the relevance, value, and reliability of the best available science and in organizing that information for use in its decisions, relying heavily on the Delta Science Program and the Delta Independent Science Board. The Council has the final responsibility in determining the best available science, including when a choice among competing interpretations of available science must be made. Best available science is specific to a decision context and the best available science will thus be defined by necessarily reflect the specific decision to be made and the time frame available for that decision.”
State & Federal Contractors Water Agency	August 3, 2010	p. 23, lines 3-5: The statement that the “Council has the final responsibility in determining the best available science” could be misconstrued to imply that such a Council determination would be binding on other regulatory processes. As the Council recognizes several places in the IP, the savings clauses in the Reform Act preserving the existing authority of SWRCB, DFG and other regulatory agencies and processes have not been amended by the legislation. This statement should be qualified to recognize limitations on the Council’s authority with respect to determinations currently within the discretion of other agencies under existing law regarding best available science.
State & Federal Contractors Water Agency	August 3, 2010	p.23, line 11: insert “conceptual models,” between “statements of” and “assumptions”. Conceptual models are similarly critical inputs to the development of Delta science and policy as the other categories listed.
State & Federal Contractors Water Agency	August 3, 2010	p.24, lines 9-12: We request that section 85057(b)(1) be added to the list of broad exclusions listed in the IP (and the Delta Plan).
State & Federal Contractors Water Agency	August 3, 2010	p.27, lines 11-12, 17-18: The “tools” 2 and 3 are not within the purview of the Council to engage on as they have been delegated to the SWRCB and BDCP (combined with the Delta Counties’ HCPs) and thus are also not “core responsibilities” of the Council. It is still unclear how the Council sees the information developed under “tools” 2 and 3 would “be required for decision making”. This should be more clearly and explicitly explained and expanded upon.
State & Federal Contractors Water Agency	August 3, 2010	p.28, line 32: It is unclear what the Council’s role and expectations are with regard to the statement that SWRCB and DFG flow criteria “will be one of the early considerations of Delta water flow.” Consideration by the Council? For what purpose? To what end? How will the “consideration” be carried out? Etc. We reiterate our view that issues related to the regulation of Delta flows are beyond the purview of the Council.
State & Federal Contractors Water Agency	August 3, 2010	p.29, line 14: change the opening to “All uses of the Delta lands require...” As written the implication is aquatic ecosystem services of the Delta are somehow benefited by “a certain level of flood protection.” The reality is just the opposite – aquatic resources would be far better served by broad land/water interfaces, which was a significant conclusion of the Delta Vision process and is an important component of the Bay-Delta Conservation Plan strategy.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p.29, lines 15-16: While the concept of ensuring “congruence” between the level of protection provided by particular levees and what is being protected is an important one, the IP needs to get more specific and begin moving that ball down the road. The IP needs to lay the foundation for levee prioritization and set forth a process and timeline to achieve this goal sooner rather than later. This is an issue the Council was specifically established to exercise leadership on (see the Act, sections 85305(a) and 85306) and it should do so as part of its “recommendations for early actions, projects and programs” in the IP.
State & Federal Contractors Water Agency	August 3, 2010	p.38, line 11: While it is true that the recommendations of the Delta Vision Strategic Plan AND the Delta Committee’s Implementation Report (the latter is conspicuously absent from the Council’s documents though the Act includes it on a par with the DVSP) are required to be “considered”, the use of “must” in the context of this sentence implies that they must be included in the plan itself when the Act is permissive on this point and explicitly states that while the DVSP and DCIR must be considered, their recommendations “may” be included or not. We suggest inserting “but not necessarily included” between “considered” and “in developing the Delta Plan.”
State & Federal Contractors Water Agency	August 3, 2010	Appendix A (A) 1, p.2, lines 1-7: The Council should consider whether a majority of those present or a majority of the Council is necessary to take an action or perhaps a certain category of action. Under this proposed quorum and voting rule, 3 votes could be determinative rather than 4. The Council should consider whether it wants to require 4 votes to move items or specific categories of items.
State & Federal Contractors Water Agency	August 3, 2010	A1, p.2, line 30: document should be clear (or add) that in addition to a member of the Council being able to remove an item from the consent calendar, a member of the public may request the same as well.
State & Federal Contractors Water Agency	August 3, 2010	A1, p5, lines 22-27:...In conformance with the savings clauses in the legislation, this statement should be revised to require the public agency to include public comment to the extent consistent with existing law with respect to that agency.
State & Federal Contractors Water Agency	August 3, 2010	A1, p. 5, lines 40-45: This section authorizes the Council itself to appeal a consistency certification. This authority does not appear anywhere in the Reform Act. Moreover, we believe it is procedurally inappropriate for the entity authorized to decide an appeal to itself raise the appeal. Finally, allowing the Council to decide itself whether to review a decision made by the agency is inconsistent with the compromise reached in the legislation between giving the Council direct approval authority and limiting its authority only to review of a certification that has been questioned by a third party.
State & Federal Contractors Water Agency	August 3, 2010	A1, p. 6, lines 31-40: In addition to the conditions specified in this section for an appellant to augment the record, the Council should require the appellant to have attempted to submit the additional information to the agency during its process.
State & Federal Contractors Water Agency	August 3, 2010	A1, p.7, line 11: The appeal is required to be heard on the record before the agency. That requirement precludes “testimony” in the appeal process. The more appropriate phrase to use here would be “Any interested person may testify comment before the council.”
State & Federal Contractors Water Agency	August 3, 2010	A1, p. 8-9:...we must point out that the proposed adoption of the “independent judgment” standard is completely unjustified. That standard is not authorized in the Reform Act; violates the Act’s savings clauses; violates the existing legal standards regarding review of administrative agency decisions; and is inconsistent with the substantial judgment standard specified in the legislation for consistency certification appeals.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	A4, p. 4, line15: The Council here incorrectly refers to the Legislature"s "water use reduction targets" by the omitting the term "per capita" before reduction, although it does correctly include that term in its summary of the statute on line 18.
State & Federal Contractors Water Agency	August 3, 2010	A4, p.7, lines 30-32: Whenever citing policy of section 85321 please quote the key sentence in its entirety, or at a minimum always recite the clauses that include "future" and "statewide" in them.
State & Federal Contractors Water Agency	August 3, 2010	A5, line 15 through the end: This "illustrative only" appendix should be eliminated from line 11 until the end and replaced with either categories only or nothing at this time. The repetitive listing of the Delta Vision recommendations, many of which were explicitly rejected by the Implementation Plan and/or superseded by the Delta Reform Act only adds confusion rather than clarity.
State & Federal Contractors Water Agency	August 3, 2010	p. iv, line 26: delete "in the future" – redundant.
State & Federal Contractors Water Agency	August 3, 2010	p. vi, line 28, line 31: missing periods at end of statements.
State & Federal Contractors Water Agency	August 3, 2010	p. vi, line 37: insert "(described below)" after "tools".
State & Federal Contractors Water Agency	August 3, 2010	p. vii, line 4: missing period at end of statement.
State & Federal Contractors Water Agency	August 3, 2010	p. 1, line 21: add "and nation" after "state".
State & Federal Contractors Water Agency	August 3, 2010	p.2, line 11: substitute "geometry" for "formation".
State & Federal Contractors Water Agency	August 3, 2010	p.2, lines 19-24: this paragraph does not seem to add anything and seems dropped-in. Suggest deleting it.
State & Federal Contractors Water Agency	August 3, 2010	p.3, line 3: Suggest substituting the word "demand" for the second "use" since we know we have a statute in place that per capita water use be reduced by 20% by 2020.
State & Federal Contractors Water Agency	August 3, 2010	p.4, line 42: The Delta doesn"t provide "drinking water supplies to more than 25 million California residents." This is the same problem as using the word "source".
State & Federal Contractors Water Agency	August 3, 2010	p.5, line 15: delete the 2nd "the".
State & Federal Contractors Water Agency	August 3, 2010	p.5, line 26: substitute "likelihood" for "presence".
State & Federal Contractors Water Agency	August 3, 2010	p.5, line 32-33: "...and new water conveyance around the Delta facilities would provide..." Also, at end of line 33, "...for the ecosystem management..."
State & Federal Contractors Water Agency	August 3, 2010	p.5, line 40: "...the Delta water supplies are conveyance was disrupted."
State & Federal Contractors Water Agency	August 3, 2010	p.6, line 4: replace "from" with "to respond to".

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p.7, line 12: "...was partially a response..."
State & Federal Contractors Water Agency	August 3, 2010	p.7, line 13: "Among the major assessments of these the weaknesses..."
State & Federal Contractors Water Agency	August 3, 2010	p.7, line 14: insert "the" before "Delta Vision Strategic Plan". Also, whenever mention the DVSP the document should also reference the Implementation Report from the Delta Committee, per the definition in the Act.
State & Federal Contractors Water Agency	August 3, 2010	p.7, line 30: insert "being" between "are" and "initiated".
State & Federal Contractors Water Agency	August 3, 2010	p.8, line 3: insert "(described above)" after "challenges".
State & Federal Contractors Water Agency	August 3, 2010	p.8, line 12: insert "use" between "water" and "efficiency".
State & Federal Contractors Water Agency	August 3, 2010	p.8, line 41: The 2005 Water Plan was not actually produced/finalized until 2008 or something if I recall correctly. Should indicate when it was actually published as a final document rather than just using the 2005 date.
State & Federal Contractors Water Agency	August 3, 2010	p.9, line 3: insert "SWRCB"s" between "The" and "Water".
State & Federal Contractors Water Agency	August 3, 2010	p.11, line 2: add "and Other Policies" after "Goals".
State & Federal Contractors Water Agency	August 3, 2010	p.12, line 33: "...this Interim Plan is intended to informs the actions..."
State & Federal Contractors Water Agency	August 3, 2010	p.13, line 13: "...in regard to review approval of the Delta economic sustainability plan of the Delta prepared..."
State & Federal Contractors Water Agency	August 3, 2010	p.17, line 3: "processes" for "process".
State & Federal Contractors Water Agency	August 3, 2010	p.22, line 8: missing period at the end
State & Federal Contractors Water Agency	August 3, 2010	p.22, line 11: missing period at the end.
State & Federal Contractors Water Agency	August 3, 2010	p.24, line 2: insert "as" between "actions" and "a".
State & Federal Contractors Water Agency	August 3, 2010	Appendix (A) 1, p.1, lines 16-19: The Council has decided to change the location of its regular meetings to the West Sacramento City Hall, which should be reflected here.
State & Federal Contractors Water Agency	August 3, 2010	A1, p.8, lines 2: add "and the BDCP EIR" after "(BDCP)"; change "meets" to "meet".
State & Federal Contractors Water Agency	August 3, 2010	A1, p.8, line 3: add "EIR" after "BDCP" and "NCCP certification" between "its" and "determination".

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	A1, p.9, lines 14-17: Delete 2nd sentence of this section.
State & Federal Contractors Water Agency	August 3, 2010	A4, p.3, line 32: replace “may” with “shall”; delete words after “Plan”.
State & Federal Contractors Water Agency	August 3, 2010	A5, p.1, line 4-5: Here again there is only mention of the DVSP without including the Delta Committee’s Implementation Report which is included in the Act as required for consideration, but the recommendations of which, like those of the DVSP “may” be included in the Delta Plan. The DCIR should be referenced whenever the DVSP is.
Stockton, City of	August 2, 2010	On page vi, lines 1 and 2, and again on page 16, lines 21 and 22, the draft Interim Plan notes that work processes should continue with minimal modification under the Delta Plan. While this is a laudable goal, we recommend that if significant changes are appropriate that the Delta Plan development not be hindered by those work processes begun under the Interim Plan.
Stockton, City of	August 2, 2010	On page 22, line 7 (Council Principals and Procedures): While we understand that the Council should not give “in concept” approvals, it should be clearly stated that compliance with Water Code Section 85212 requires the Council to review and provide timely advice to local agencies regarding the consistency of planning documents.
Stockton, City of	August 2, 2010	On page 6 of Appendix 1, lines 15 and 16 (Item 7 of administrative procedures governing appeals): This item notes that appeals shall be considered “filed” when the applicant’s appeal is determined by staff to contain all the information listed above. We request clarification language that notes that any delay in such staff determination will not render the appeal invalid if the otherwise completely-documented appeal is submitted to the Council with 30 days (see administrative procedure 5 on page 5).
Suisun Resources Conservation District	July 30, 2010	SRCD believes that there should be a better description in the Interim Plan of the Suisun Marsh’s current wetland and wildlife resource, linkages to Delta water quality (salinity), and aquatic and terrestrial ecological processes of the Delta Region.
Suisun Resources Conservation District	July 30, 2010	These values are protected under the following Legislation, Policies and Regulations, please consider them during the development of the Delta Plan: - The Suisun Marsh Preservation Act of 1977 - The San Francisco Bay Conservation and Development Commission – Suisun Marsh Protection Plan - The Solano County Policies and Regulations Governing the Suisun Marsh - The Suisun Resource Conservation District’s Suisun Marsh Management Program, including Suisun Marsh levee specifications. - The Draft Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIR/EIS...- The Central Valley Joint Venture 2006 Implementation Plan – Suisun Marsh Basin
Suisun Resources Conservation District	July 30, 2010	Early actions that SRCD believes should be included in the Interim Plan. - Support the timely completion of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIR/EIS. - The support of the tidal restoration of the following areas in the Suisun Marsh: DWR’s Mien’s Landing parcel, the DFG Hill Slough east and west, and the Solano Land Trust’s - Rush Ranch Brood Pond. - Support the continued operation, enhancement and restoration of diked managed wetland in the Suisun Marsh
U.S. Army Corps of Engineers	May 12, 2010	Active Planning Studies in the Delta: Delta Islands and Levees Feasibility Study, CALFED Levee Stability Program, Central Valley Integrated Flood Management Study, Lower San Joaquin Feasibility Study, Sacramento River Deep Water Ship Channel, San Francisco Bay to Stockton Navigation Improvement Study, Delta Dredged Sediment Long Term Management Strategy

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
U.S. Army Corps of Engineers	August 3, 2010	The missions of USACE include Flood Risk Management, Ecosystem Restoration, Navigation, Environmental Protection, and Emergency Preparedness and Response. We understand that the Interim Delta Plan will cover all, or most, of these mission areas. Our programs in, or affecting, the Delta include Planning, Operation and Maintenance, and Regulatory...Many of our planning efforts are multiple purpose and integrate elements that address several of these policy objectives...These planning efforts contribute most directly to policy objectives (c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem, and (g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection. They may also contribute to (b) Protect and enhance unique cultural, recreational, and agricultural values of the California Delta as an evolving place, (e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta, and (f) Improve the water conveyance system and expand statewide water storage. USACE is also working with an interagency team to implement the water conservation and recycling provisions of the Interim Federal Action Plan.
U.S. Department of the Interior, Bureau of Reclamation	August 3, 2010	Page v, Third Bullet: Responsibilities of the Department of Water Resources (DWR), including efforts to cooperate in evaluating the construction and the implementation of the Two-Gates Fish Protection Demonstration Project by December 1, 2010; evaluating the effectiveness of the Threemile Slough Barrier project (Franks Tract Project); proceeding with other near-term actions as identified in the Delta Vision Strategic Plan; and assisting in implementing early action ecosystem restoration projects, including tidal marsh restoration in Dutch Slough and on Meins Island
U.S. Department of the Interior, Bureau of Reclamation	August 3, 2010	Page 15, Second Bullet: Responsibilities of the Department of Water Resources (DWR) under Section 85085, including: -Efforts to cooperate with the Department of Fish and Game, the board, the California Regional water quality control boards, and the State Lands Commission efforts to cooperate with the United States Bureau of Reclamation to evaluate implementing in the construction and implementation of the Two-Gates Fish Protection Demonstration Project by December 1, 2010
U.S. Department of the Interior, Bureau of Reclamation	August 3, 2010	Page v and 15, Suggest New Bullet: Coordinate with the Bureau of Reclamation on its Delta Water Solutions -Plan of Action, which shares the same coequal goals of the Interim Plan.
U.S. Department of the Interior, Bureau of Reclamation	August 3, 2010	Page 19, line 36-41: Please insert that Bureau of Reclamation should also be consulted on CVP operations. - 85309. The department, in consultation with the United States Army Corps of Engineers, Bureau of Reclamation, and the Central Valley Flood Protection Board, shall prepare a proposal to coordinate flood and water supply operations of the State Water Project and the federal Central Valley Project, and submit the proposal to the council for consideration for incorporation into the Delta Plan. In drafting the proposal, the department shall consider all related actions set forth in the Strategic Plan.
U.S. Department of the Interior, Bureau of Reclamation	August 3, 2010	Page 20-21 Actions to engage agencies: Bureau of Reclamation is prepared to begin meetings and continue programs under Public Law 108-361 (2004).

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
Water4Fish	June 9, 2010	The Mokelumne hatchery is the most modern salmon hatchery in the state. When it runs at full production it is unmatched in its efficient production of smolts and its contribution to the state's salmon fishery. Unfortunately, the Delta water operations have virtually shut the hatchery down. The problem occurs as the adult Mokelumne salmon are attempting to return to the Mokelumne River and the hatchery in the fall...There are two potential solutions to the short term problem. The first is a pulse attraction flow down the Mokelumne when the adults are returning. East Bay MUD has been very cooperative with this problem and, at their expense, held water back the previous spring for a double pulse flow last fall. This helped but the hatchery still fell far short of its goals. The other solution is to close the cross the cross channel gates during the pulse flow. We are requesting that you implement this policy this year in cooperation with DFG, East Bay MUD, NMFS and DWR. Fish and Game and the National Marine Fisheries Service have been helping us with this problem and have already signed off on this proposal.
West Sacramento, City of	August 2, 2010	We are concerned that the Interim Plan's processes and potential impacts on local agencies are not adequately specified. Additionally, we can find little to distinguish treatment of areas in the secondary zone from those in the primary zone within the current Second Draft.
West Sacramento, City of	August 2, 2010	The lack of specific distinction between place-types within the secondary zone or even between the secondary and primary zones leads to fear that the Delta Stewardship Council and the Delta Plan could encroach on our land use prerogatives; change or delay our critical flood protection programs; disrupt essential agency alliances; and impede our ability to meet and advance state and regional objectives for air quality, affordable housing, and greenhouse gas emissions.
West Sacramento, City of	August 2, 2010	No Reduction in Flood Control Capacity (policy obj. (f), (g) and (h)). The Second Draft (and ultimately, the Delta Plan itself) is intended to govern the process for recommending a suite of actions, projects and programs, some of which have a high potential to interfere with the existing flood control system. The Plan must therefore include a strong commitment to mitigating any and all such impacts. In general, higher water levels along a floodway will require higher levees, and changes in hydraulics will require increased levee armoring.
West Sacramento, City of	August 2, 2010	Several recent proposals have been made that are of serious concern to the City: The first is the multitude of plans to install habitat and other mitigation projects within the Yolo Bypass. Vegetation along a floodway influences hydraulics and reduces water velocity.
West Sacramento, City of	August 2, 2010	Several recent proposals have been made that are of serious concern to the City: The City's southern basin is bounded by the South Cross Levee, which connects the Sacramento River and Bypass levees and separates the City of West Sacramento from the largely agricultural lands within the boundaries of Reclamation District No. 900 (RD 900). The Bay Delta Conservation Plan, Delta Vision and other regional planning projects have identified large areas within RD 900 for potential use as a flood bypass and habitat enhancement area.
West Sacramento, City of	August 2, 2010	Several recent proposals have been made that are of serious concern to the City: Another proposal of concern to the City is the potential to use the Deep Water Ship Channel as a floodway.
West Sacramento, City of	August 2, 2010	The funding to install such levee improvements should not only come from the City of West Sacramento, its residents, or the local districts that maintain the levees. Instead, costs should be covered as part of the particular projects that pose the heightened risk of flooding and by the state as state-wide benefits are identified. A permanent fund should also be established, again as part of the project cost, to maintain the needed flood control improvements with the Delta region.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
West Sacramento, City of	August 2, 2010	Prioritize New Flood Control Improvements (policy obj. (f) and (g)). The Interim Plan should expressly prioritize evaluating all potential actions, projects and programs for ways to incorporate integrated flood control enhancements. Habitat, recreation, water supply, and transportation projects in particular provide significant opportunities for heightened flood control.
West Sacramento, City of	August 2, 2010	A related matter is that the suite of actions and plans ultimately approved under the Interim Plan will undoubtedly result in the movement and excavation of materials that could be invaluable in improving the levees. The plan should prioritize making appropriate sediment, rock, and other materials available to local maintaining agencies without cost.
West Sacramento, City of	August 2, 2010	...contrary to the impression conveyed by the Interim Plan document, the levees are generally in fairly good condition, and the risk of levee failure has been decreasing during recent decades. These improvements are in large part due to the establishment of the Subventions Program in 1973 and the Delta Levees Program in 1988.
West Sacramento, City of	August 2, 2010	It is the City's position that when vegetation is selectively chosen and incorporated into levee design, it can improve structural stability and reduce surface erosion. Proper vegetation can also reduce levee maintenance costs while providing habitat value.
West Sacramento, City of	August 2, 2010	There are two logical implications for the Interim Plan. First, the plan should emphasize that habitat-related projects should incorporate vegetation and other natural features that will help provide bank stability near levees, albeit without encroaching into the clearance area designated by the Corps vegetation policy. Second, the Council should monitor discussions among various Federal, State and local interests regarding whether to modify or grant regional and project specific variances from the vegetation policy.
West Sacramento, City of	August 2, 2010	...the plan should strongly recommend increased funding for maintenance, operation, repair and rehabilitation of levees, preferably under the existing Subventions Program. However, funding reimbursements should be more streamlined to help local agencies avoid loans and interest payments, and thus maximize the use of local and state funds for improvement work.
West Sacramento, City of	August 2, 2010	The potential for upgrading non-project levees to meet these criteria should be an important long-term consideration when considering actions, projects and programs.
West Sacramento, City of	August 2, 2010	The Interim Plan details the need to rely on the best available science in making decisions. In determining what science is the "best available" in the context of flood control, it will be imperative to strongly consider the practical expertise of the engineering professionals, local flood agencies and firms that have practiced in the Delta for decades and have a solid understanding of both the controlling technical principles as well as the site-specific contexts in which flood control operations actually occur.
West Sacramento, City of	August 2, 2010	The Interim Plan should also state that all modeling and assumptions will be made available to the public as early in the process as possible.
West Sacramento, City of	August 2, 2010	We suggest that language be included that exempts projects in the secondary zone from land use scrutiny from the DSC.
West Sacramento, City of	August 2, 2010	In general, the Interim Plan should support actions that will further reductions in carbon emissions and reduce regional contributions to climate change by providing incentives and exclusions for secondary zone communities that are forwarding sustainable land use strategies.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
West Sacramento, City of	August 2, 2010	The Interim Plan should refine and significantly narrow the types of projects on which the DSC would like to consult and comment. Additionally, the Interim Plan should clarify and minimize what is involved in consultation.
West Sacramento, City of	August 2, 2010	The collective processes identified in the Second Draft have the potential to duplicate processes already in place by other state and federal agencies designed to ensure regulatory compliance and safeguard natural resources. If not streamlined, the additional processes proposed will have the potential to impede needed public safety improvements in our community and other communities within the Delta. If not integrated with the existing agency processes, including land use planning processes in secondary zone communities, the additional, duplicative reviews and evaluations will add significant cost burdens to local agencies, regional employers and ordinary citizens living within Delta communities.
West Sacramento, City of	August 2, 2010	Reexamine the Secondary Zone (policy obj. (a), (9) and (h)). In addition to language that could better identify authoritative distinctions and exclusions between the secondary and the primary zones, the Second Draft needs to better respond to the diversity of Delta communities and the diversity of impacts they generate.
West Sacramento, City of	August 2, 2010	The Interim Plan should not impede responsible secondary zone communities and carefully examine the secondary zone to determine which portions, if any, should be added to the primary zone and which portions should be deleted, or at least significantly restricted from DSC jurisdiction.
West Sacramento, City of	August 2, 2010	Finally, the Delta legislation contemplated that the metropolitan planning organizations would have adopted sustainable communities' strategies (or alternative planning scenarios) on a timeframe coincident with the adoption of the Delta Plan...This Interim Plan should account for that timeframe so that West Sacramento and similarly situated communities are not subject to strict Council review that was not contemplated by the Legislature during the period that the Interim Plan is in force.
West Sacramento, City of	August 2, 2010	Page v - 16 - Preparation of a proposal to coordinate flood and water supply operations of the State Water 17 Project (SWP) and the federal Central Valley Project (CVP), for which DWR has lead responsibility with special emphasis on coordination with local flood control agencies and local government. - 18 -Council review of the report of the Delta Protection Commission (DPe) regarding potential changes 19 in the Primary and Secondary Zones of the Delta, in light of the coequal goals and the mandates of 20 the Act
West Sacramento, City of	August 2, 2010	Page vii - 264. Current levee system integrity. All uses of the Delta require a certain levels of protection against 27 river flooding, sea level rise, and earthquakes that increase the level of public health and safety...325. Map of planned Delta land uses. One of the primary goals of the Act is to achieve more effective 33 integration of land use policies in the Delta, that incorporate sustainable communities strategies and alternative planning strategies for land use.
West Sacramento, City of	August 2, 2010	Page 5 - In general, higher water levels along floodways, new flood bypass options and habitat enhancement areas will likely have an impact on existing flood control capacities, and changes in hydraulics will likely require enhanced levee infrastructures. This will also provide an opportunity to increase recreational, habitat restoration, water supply and conveyance capacities that further encourage public use and overall support of the Delta ecosystem. Maintaining the current flood control capacity, evaluating all potential actions, and mitigating impacts to an integrated flood control system will require highly coordinated program development and implementation throughout the Delta region.

Matrix 2 **Comments related to Interim Plan**

Association	Date	Comment
West Sacramento, City of	August 2, 2010	Page 6 - While the risk of levee failure within the Delta has been decreasing during recent decades due to the establishment of the State of California Subventions Program in 1973 and the Delta Levees Program in 1988, and some communities have never seen a levee failure, 42 ~many Delta islands have flooded at least once. There were 31 levee failures in the legal Delta 43 between 1967, when levees were improved to current levels, and 2004, somewhat less than an
West Sacramento, City of	August 2, 2010	Page 7 - 3 • Most Many of the Delta levees do not meet the FEMA definition for 100-year flood protection (per the 4 National Flood Insurance Program).
West Sacramento, City of	August 2, 2010	Page 7 - 32 ...which means that financing aspects of the legislation will be uncertain. The funding to implement future improvements should not come from local communities, regional agencies, or the state alone. Needed funding should be primarily provided as part offederal and state partnerships that sustainably invest in the Delta region through particular programs and projects. Lack of a stable financing 33 structure may lead to difficulty in achieving the coequal goals.
West Sacramento, City of	August 2, 2010	Page 9 - 38 - The federal agencies agreed in a December 2009 Interim Federal Action Plan for the California Bay- 39 Delta to coordinate the federal efforts to address ecosystem restoration with the state agencies. USACE issued the Vegetation Policy for Local Flood Damage Reduction Systems in April 2007 to keep local flood protection systems free of vegetation because vegetation can impact reliability, inhibit inspections and the ability to perform a flood fight, and interfere with levee maintenance. Later in July 2010, the USACE developed a vegetation variance policy allows levee maintaining agencies to request that trees remain on levees where they don't threaten public safety, levee integrity or levee system reliability.
West Sacramento, City of	August 2, 2010	Page 10 - 1 These examples demonstrate the enormous efforts and resources which have already worked toward 2 addressing the challenges in the Delta. Despite this, the California Legislature's 2009 water package 3 made clear findings about the ongoing crisis in the Delta, the need to monitor, appropriately influence and collaborate on state and federa l policy matters and proposed coordinating these efforts 4 through a new governance system with specific responsibilities.
West Sacramento, City of	August 2, 2010	Page 11 - 23 The Act establishes new policies consistent with the Delta Plan (Water Code Section 85022) - including reduced reliance on the Delta in meeting California's future...
West Sacramento, City of	August 2, 2010	Page 15 - 29 - Preparation of a proposal to coordinate flood and water supply operations of the State Water 30 Project (SWP) and the federal Central Valley Project (CVP) (Section 85309), for which DWR has lead 31 responsibility with special emphasis on coordination with local flood control agencies and local government.
West Sacramento, City of	August 2, 2010	Page 16 - 8 - Review and approval of Proposition 1E expenditures for selected projects (Section 83002 (a)(I)) not already funded or completed under the proposition 1E program.
West Sacramento, City of	August 2, 2010	Page 19 - 85305. (a) The Delta Plan shall attempt to reduce risks to people, property, and state interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments. (b) The council may incorporate into the Delta Plan the emergency preparedness and response strategies for the Delta developed by the California Emergency Management Agency pursuant to Section 12994.5.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
West Sacramento, City of	August 2, 2010	Page 24 - 9 SBX7 1 includes specific exclusions from the Delta Plan (listed in Water Code Section 85057.5(b)). Some exclusions focus on transportation plans (e.g. regional transportation plans, Water Code Section 85057.5(b)(3)). Others exclusions apply to covered actions in the secondary zone (e.g. already consistent with either a sustainable communities strategy or an alternative planning strategy, Water Code Section 85057.5(b)(4)).
West Sacramento, City of	August 2, 2010	Page 28 - In determining what science is the "best available" it will be imperative to strongly consider the practical expertise of the engineering professionals, local agencies and individuals that have practiced in the Delta for decades and have a solid understanding of both the controlling technical principles as well as the site-specific contexts. Modeling and scientific assumptions should be made available to the public as early in the process as possible. Transparency will enable the public to follow and review the technical basis for decisions, and the DSC will benefit from enabling third-parties to provide substantive critiques and appropriate scientific review.
West Sacramento, City of	August 2, 2010	Page 29 14 All uses of the Delta require a certain level of protection against river flooding, sea level rise, and 15 earthquakes. The Interim Plan must ensure public health and safety as well as progress toward congruence between the uses and...
West Sacramento, City of	August 2, 2010	Page 38 12 The Interim Plan can make progress on two important beginning points in a finance plan: (1) beginning 13 to develop accurate and complete information on current finances and (2) initiating discussion of long 14term financing to support activities under the Act. A permanent fund should be established to maintain the needed flood control improvements with the Delta region.
Resident of Fairfield	May 22, 2010	If we are going to have a sustainable state water plan, we will need to live within a water budget, and to do that, we are going to need to make some statewide decisions about land use that are more-or-less permanent. The most important of those decisions will have to do with our commitment, as a state, to irrigated agriculture, especially in the San Joaquin Valley.
Resident of Fairfield	May 22, 2010	...I'm willing to help pay for that reliable irrigation water too, in a substantial way, provided the following three conditions (for the reasons stated) are met (note I'm not distinguishing between family and a corporate agriculture here; it's the land that matters): First, by some objectively applied standard, the lands I'm supporting are considered lands of national or statewide significance due to their soil, location, configuration, and growing season...Second, the lands are and will be managed properly, for both water and soil conservation. That means cost-effective "best management practices" need to be defined and applied...Third--and this is critical--there is a guarantee that the lands will be agricultural in perpetuity.
Yolo Basin Foundation	July 1, 2010	...there are two well-established stakeholder groups that would welcome working with the Delta Stewardship Council (DSC): The Yolo Bypass Working Group and the Lower Yolo Bypass Planning Forum.
Yolo, County of	May 12, 2010	First, the County encourages the Council to do more than merely "consider" the Land Use and Resource Management Plan ("LURMP") of the Delta Protection Commission ("DPC"), as suggested in the outline (Section II.a). The Council should integrate the LURMP into the Interim Plan given its present status as the only comprehensive land use document covering the entire Primary Zone of the Delta.
Yolo, County of	May 12, 2010	Second, the County asks the Council to recognize that "support for agriculture" entails understanding current and future needs for additional agricultural support infrastructure and similar facilities in the Delta. It also includes ensuring that Delta towns, such as Clarksburg, can thrive as support centers for the regional agricultural industry while remaining vibrant but relatively compact communities.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Yolo, County of	May 12, 2010	Importantly, to the extent the Interim Plan does not identify a full range of specific projects that support these objectives, it should include a process for later identifying and including projects that benefit agriculture and Delta towns.
Yolo, County of	May 12, 2010	Third, the County agrees that the Interim Plan should support-and affirmatively promote, if feasible-the completion of federal legislation on natural heritage area designation
Yolo, County of	May 12, 2010	Fourth and finally, the "other items" (Section II.d) topic should recognize the need for recreational facilities and the protection and enhancement of historic buildings. One specific example is the "Great Delta Trail," ...Additional marinas, boat launches, parks, and other opportunities for outdoor recreation are also desirable in the Delta. With regard to historic buildings, the restoration of the historic Japanese school near Clarksburg is a worthwhile project...As noted, the County supports a process for identifying and including such projects in the Interim Plan following its initial adoption.
Yolo, County of	May 12, 2010	The County suggests that the Council identify criteria for evaluating specific projects and then, after those criteria have been the subject of public input, objectively consider specific projects at a later stage in the process of developing in the Interim Plan.
Yolo, County of	July 2, 2010	Outdated economic data: There is considerable discussion on p. 10 of the Delta's gross regional economic product and related matters. Much of it relies on data that is from a 1994 report. This can easily be updated to accurately reflect the current economic status of the Delta economy.
Yolo, County of	July 2, 2010	Skimpy description of agricultural characteristics/habitat values: The discussion on pp. 9-10 should be expanded to include fmier discussion of the agricultural characteristics and habitat values of the Delta.
Yolo, County of	July 2, 2010	Inaccurate statement of state water policy: On p. 14, there is a statement that Section 85023 of the Water Code (added by the 2009 water legislation) established "reasonable use and public trust as the foundation of state water policy." This is not accurate to the extent it suggests that Section 85023 changed state water law. Section 85023 does not alter the traditional legal and policy foundations of state water policy or effect any other substantive change to our water rights system.
Yolo, County of	July 2, 2010	Burdensome project review requirements: Pages 21 and 22 describe procedures for Council review of projects prior to completion of the Delta Plan. Some components of these procedures seem unduly burdensome and unnecessary...Overall, this section should be redrafted to ensure that Council review of projects prior to adoption of the Delta Plan is streamlined and no more burdensome than necessary to enable the Council to fulfill its limited statutory role (i.e., to make recommendations) during this period.
Yolo, County of	July 2, 2010	Freeze of project approvals: On p. 22, the First Draft states: "No state or local agency should undertake or approve a project that is potentially a covered action until the Delta Plan is adopted, unless the project is included in the specific exclusions enumerated in SBX7 1." The County has no objection to consulting the Council on projects that may be approved prior to adoption of the Delta Plan. However, at the very least, the full moratorium envisioned by this statement does not seem necessary.
Yolo, County of	July 2, 2010	...the description of the Yolo Natural Heritage Program (p. 61 of Appendix V) omits the University of California, Davis, as a member of the joint powers authority responsible for plan preparation. It also understates the number of covered species (64, rather than 28) anticipated to be included in the plan.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Yolo, County of	July 2, 2010	...the County reiterates it previous requests for the Interim Plan to include the actions, projects, and programs described in the enclosure to its May 12, 2010 comment letter.
Yolo, County of	July 2, 2010	...the Interim Plan should also identify and describe the Yolo Bypass Working Group as an ongoing effort-much like the Lower Yolo Bypass Planning Forum-to address land use and resource planning issues in the Delta.
Yolo, County of	August 3, 2010	Given the significant resources necessary to propose any kind of project in the Delta, much less sustain a challenge to a project (Le. the Old Sugar Mill), project proponents must have a clear sense of the process through which the DSC will exert their influence. The Second Draft does not currently provide that clarity...
Yolo, County of	August 3, 2010	Questions include: " What criteria will the DSC use to evaluate projects? Will the DSC rank or score projects? " How long will the DSC have to review this information? " Will the DSC use internal staff to evaluate projects or will they also use outside reviewers? " Will there be a process for asking the DSC to reconsider its recommendation? " Do all projects, even small, non-controversial projects, need to provide all the information on the list in Appendix I? (Yolo suggests that the DSC develop a short form for project proponents to initially fill out. Then the DSC can determine whether it wants to solicit additional information.) Will the DSC review projects that other state agencies are already reviewing? If so, how? " Will the DSC provide forms for project proponents to fill out? Does the DSC really want hard copies of scientific and engineering assessments for all projects? This could fill boxes for some projects. " When should project proponents submit this information to ensure timely action by the DSC?
Yolo, County of	August 3, 2010	The Second Draft should clearly state that while the DSC's recommendations may not be binding, they may significantly influence over decisions of other agencies. The DSC should also clarify in the document how it will communicate its recommendations to other agencies with decisionmaking authority so project proponents and local agencies are fully aware of the DSC's interaction with other agencies involved in project planning and approvals.
Yolo, County of	August 3, 2010	Will the Council review and recommend projects for funding from sources other than Proposition 1 E? If so, the Interim Plan should state the DSC's intent clearly. Alternatively, the Interim Plan should state that the DSC will not recommend funding for projects outside of Proposition 1 E.
Yolo, County of	August 3, 2010	Yolo County believes the DSC needs to establish criteria and a process for evaluating early actions. These actions should therefore not be a part of the Interim Plan. If the DSC decides to include early actions in the Interim Plan, then Yolo County requests inclusion of the nine projects the County submitted to the DSC on May 12, 2010 in response to the first request for early action projects.
Yolo, County of	August 3, 2010	Assuming the DSC requires consultation on these projects and a demonstration of consistency with the Delta Plan, how will it streamline the consultation process to avoid duplicating the efforts of other agencies, increasing costs, and delaying completion of project planning efforts?
Yolo, County of	August 3, 2010	Improve information about agricultural economic development. On page 4 of the Second Draft, the section "Threats to the Delta Communities and Economy" contains no mention of many of the threats to Delta communities and the economy, such as the impact on agricultural economic development of de-certification of levees and associated FEMA regulations and the lack of water and wastewater infrastructure.
Yolo, County of	August 3, 2010	There is also no discussion of the importance of agricultural economic development generally to the local economy and communities, which is especially important in light of limits on residential development in the primary zone. These subjects must be addressed to ensure a comprehensive discussion of the economic and social well-being of these communities.

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Yolo, County of	August 3, 2010	Integrate Delta Protection Commission Land Use and Resource Management Plan. On page 20 of the Second Draft, there is a list of "Actions to Engage Agencies." This list should include an action to integrate the Land Use and Resource Management into the Delta Plan.
Yolo, County of	August 3, 2010	Page vi, Line 17 - including working with these agencies to integrate existing plans and policies that are relevant to the Council's work.
Yolo, County of	August 3, 2010	Page vi, Line 19 - and funding recommendations
Yolo, County of	August 3, 2010	Page vi, Line 21 - The Council will seek to minimize project delay and administrative burdens on agencies with proposed projects to the extent possible while meeting the Council's goals to review projects and develop recommendations.
Yolo, County of	August 3, 2010	Page viii - Line 23 - clear, written
Yolo, County of	August 3, 2010	Page viii - Line 24 - and minimize project delay and administrative burdens on agencies & , clearly communicated
Yolo, County of	August 3, 2010	Page 4 - Line 15 - including endangered terrestrial species
Yolo, County of	August 3, 2010	Page 4 - Line 23 - Equally important, these towns and the surrounding areas are the hub of the region's agricultural economy and recreation industry.
Yolo, County of	August 3, 2010	Page 4 - Line 31 - delete text
Yolo, County of	August 3, 2010	Page 4 - Line 31 - residential development proposals
Yolo, County of	August 3, 2010	Page 4 - Line 35 - [New bullet] Agricultural economic development, one of the pillars of the region's economy, is threatened by the uncertainty surrounding Delta policies and regulations and the Federal Emergency Management Agency's decision to de-certify many Delta levees. For agriculture in the region to thrive, the region needs to build wastewater , water, and other infrastructure necessary for a robust agricultural economy, achieve flexibility in FEMA regulations for non-residential structures, and support local agricultural economic development initiatives.
Yolo, County of	August 3, 2010	Page 4 - Line 36 - [New bullet] The Delta is the center of a well-established recreation industry, including boating, fishing, and other activities.
Yolo, County of	August 3, 2010	Page 7 - Line 10 - [New bullet] The 2008 Sacramento-San Joaquin Delta Emergency Preparedness Act (SB 27 by Senator Simitian) established the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force, coordinated by the California Emergency Management Agency and including local emergency management agencies in the five Delta counties, the state Department of Water Resources, and the Delta Protection Commission. The Task Force is also coordinating with federal agencies. The Task Force is charged with, among other items, the coordination of an emergency response strategy for the Delta region. Once the Task Force finishes its work , funding is needed to implement the Task Force's strategy and associated recommendations.
Yolo, County of	August 3, 2010	Page 12 - Line 24 - The Council will establish clear, written procedures to communicate to agencies how the Council will use the framework to assess and prioritize important issues, including criteria and guidelines for recommending early actions.
Yolo, County of	August 3, 2010	Page 16 - Line 8 - The Council will not make recommendations for project funding outside of Proposition 1E expenditures. [Comment: Is the Council ONLY going to make recommendations regarding Proposition 1E expenditures? If the Council plans on making other funding recommendations, it should state it clearly in this list of bulleted points. If it is not, then the Council should include the above clarification in this bulleted list]
Yolo, County of	August 3, 2010	Page 17 - Line 9 - , including working with the agencies to integrate existing policies and plans into the Delta Plan

Matrix 2 Comments related to Interim Plan

Association	Date	Comment
Yolo, County of	August 3, 2010	Page 17 - Line 12 - [New bullet] 6. A policy to minimize project delay and administrative burdens on agencies, to the extent possible, as a result of Council procedures and activities
Yolo, County of	August 3, 2010	Page 21 - Line 10 - and establish criteria for making decisions related to project recommendations, including funding, and determinations of consistency with the Delta Plan.
Yolo, County of	August 3, 2010	Page 22 - Line 8 - [New 2.] The Council will issue written findings regarding decisions on project recommendations, including funding, as well as review of appeals of determinations of consistency with the Delta Plan.
Yolo, County of	August 3, 2010	Page 25 - Line 8 - , per the guidelines in Appendix 1. [The Council needs to develop clear criteria and guidelines for the early consultation process, as indicated in Yolo County's letter.]
Yolo, County of	August 3, 2010	Page 25 - Line 10 - be publicized and submitted to agencies with decisionmaking authority over Delta-related projects. [Note: The Council needs to clarify how they will use and communicate the Council's recommendations.]
Yolo, County of	August 3, 2010	Page 25 - Line 11 - delete & add The recommendations will also provide clarification to agencies as to
Yolo, County of	August 3, 2010	There is currently no definition of early consultation. The Administrative Procedures should define this process more clearly or at least set parameters to ensure it is not an unnecessarily burdensome process and is, as intended by the Legislature, focused on assisting state and local agencies in preparing certifications of consistency.
Yolo, County of	August 3, 2010	The Administrative Procedures should accordingly make clear that early consultation is voluntary, and allow agencies to use their sound discretion to determine whether to engage in early consultation on a project-by-project basis.
Yolo, County of	August 3, 2010	There is no possibility that DSC staff will have the need or ability to review such documents in connection with the performance of their typical duties regarding each and every "covered action" in the Delta. Nor is a complete record called for in any of the Water Code provisions cited by DSC staff in the Administrative Procedures document. For at least these reasons, the Administrative Procedures should not require state and local agencies to submit a complete administrative record with every certification of consistency for a "covered action." The DSC should instead consider requiring only more limited submissions-such as project staff reports and environmental documents-under all but the most unusual circumstances
Yolo, County of	August 3, 2010	The document currently requires local agencies to post a draft certification of consistency for at least 30 days prior to submitting it to the Council. Nothing in the Water Code supports this requirement and it should be eliminated. Alternatively, it could be reduced to no more than 10 days so that the preparation of the certification occurs in the same timeframe as other final project approval documents. This will allow for meaningful public review while avoiding the undue delays that would inevitably result from a 30 day posting requirement.

Matrix 3 Comments related to Delta Plan

Association	Date	Comment
Antioch, City of	May 12, 2010	How will the Interim Delta Plan and the Delta Plan ensure that the cumulative impacts are addressed in the environmental documents and do not result in improper segmentation of environmental analyses?
Antioch, City of	May 12, 2010	How will the Delta Plan and the Delta Stewardship Council ensure that analysis and mitigations for these direct and cumulative impacts to water quality, flow and public resources be provided as stated in the legislation?...What performance or mitigation standards will the Delta Plan require for these projects, during environmental review of these projects?
Antioch, City of	July 2, 2010	The Delta Stewardship Council should take a leading role to ensure 'up-front' Delta stakeholder engagement in the development of the Delta Plan.
Antioch, City of	July 2, 2010	Interim and final Delta Plans should recognize that the economy of the Delta is not just based on agriculture and legacy towns.
Antioch, City of	July 2, 2010	The Delta ecosystem's current degraded state is not "Co-Equal" with Water Supply. The Delta Plan must have a minimum "Do No Harm" policy, which in fact ensures improvement, not further degradation.
Association of California Water Agencies	May 12, 2010	While the science may be limited when decisions are made, the Council, in cooperation with the participating federal and state agencies, must commit to a process that allows for decisionmaking on limited information, continues to gather and analyze data, and most importantly, can readily modify management practices when such analysis justifies modification.
Bartkiewicz, Kronick, & Shanahan	May 28, 2010	...the Council may be able to expand its time to prepare the draft Delta Plan by seeking a certification from the Resources Secretary that the Council's preparation of the Plan is a regulatory program that can prepare a CEQA functional equivalent document.
California Department of Fish and Game	May 12, 2010	The DFG recommends that the Delta Stewardship Council consider the CALFED Strategic Plan, Multi-Species Conservation Plan and the Draft Stage 2 Conservation Strategy for the Delta in its decision making process when considering protection of ecological values in the Delta...Restoration and enhancement actions identified through the Delta Vision process and Bay Delta Conservation Planning process should also be considered .
California Department of Fish and Game	August 3, 2010	The DFG recommends that the Delta Stewardship Council consider the CALFED Strategic Plan, Multi-Species Conservation Plan and the Stage 2 Conservation Strategy for the Delta in its decision making process when considering protection of ecological values in the Delta...The ERP is finalizing the Stage 2 Conservation Strategy for the Delta Ecological Management Zone...
California Department of Water Resources	July 2, 2010	Stopping all work on covered actions until the Delta Plan is adopted and eliminating conceptual designs from consideration would have the practical effect of limiting many legislatively mandated and discretionary actions that are needed to maintain the health, safety and welfare of Delta communities and state-identified resources.
California Department of Water Resources	July 2, 2010	Clarify the differing roles of SB x7-1 policy objectives in the structure of Interim Plan and 2012 Delta Plan...there are important differences between Interim Plan and the 2012 Delta Plan. Specifically, whereas the Interim Plan provides recommendations. the Delta Plan will provide a framework for a consistency certification and appeal process. Since these two outcomes are different, it will be essential to identify the specific objectives and criteria common to both efforts, and use those criteria in making recommendations during the period covered by the interim plan.
California Farm Bureau	July 2, 2010	"Performance measures," as described in Water Code section 85211, are a required component of the long-term Delta Plan - not of the Interim Plan.

Matrix 3 Comments related to Delta Plan

Association	Date	Comment
California Farm Bureau	July 2, 2010	(re: Implementation of the Sacramento-San Joaquin Delta Reform Act of 2009): Many, if not all of the items discussed in this section concern long-term content for the Delta Plan, as opposed to matters appropriate for inclusion in the interim plan (i.e., Delta flow plan, ecosystem restoration plan, levees plan, and land use). While planning for the plan may be an appropriate interim plan topic, actual statutorily required components of the long-term Delta Plan should be developed directly in the context of the longer-term plan itself.
California Farm Bureau	July 2, 2010	Water Code section 85021 is a statement of state policy and does not assign any express power or authority or duty to the DSC, either on an interim or long-term basis, although tracking statewide progress on efficiency as it relates to the Delta might be an appropriate role...As it stands, initiatives for actual implementation of the state's general policy goals relating to efficiency appear to lie primarily with DWR, SWRCB, and the local entities in each region as opposed to the DSC.
California Farm Bureau	July 2, 2010	Concerning the draft language and content described in this section of the text [pages A-13 through A-15 of First Draft of Interim Plan] with respect to the ecosystem restoration objectives embodied in Water Code sections 85020(c) and (e) and long-term performance measures, the scope of the what is described here far exceeds the scope of an interim plan and should instead be developed directly in the long-term Delta Plan...
California Fisheries and Water Unlimited	May 25, 2010	There must be swift corrective actions by the Council before we lose the Central Valley salmon fisheries to water development. Salmon must migrate through the Bay Delta Estuary safely to the Pacific Ocean. The losses of endangered salmon and threatened steelhead species at the State Pumps in the Bay Delta Estuary must be swiftly corrected by the Council to prevent further detrimental losses before dams and diversions exterminated the people's Central Valley salmon fisheries...The Council must recommend and require there must be terms and conditions in all water right permits and licenses to provide for additional habitat and protection requirements for endangered spring-run salmon and threatened steelhead species in all waterways that are subject to control by the State Water Board...Dams and diversion controlled by the Federal Energy Regulatory Commission that affect spring-run Chinook salmon and threatened steelhead must be corrected by the Council by requiring the State Water Board to use their enforcement authority under Section 401 of the federal Clean Water Act...The Council must examine, evaluate, and correct water transfers approved by the State Water Board from the Bay Delta Estuary by the CDWR at the State Pumps and by the USBR at the federal pumps.
Clarksburg Fire Protection District	April 1, 2010	By resolution and official action, the District formally requests the Delta Stewardship Council to coordinate with the District to the fullest extent required by law with regard to the formulation and implementation of the Delta Plans and all other plans considered by the Delta Stewardship Council.
Coalition for a Sustainable Delta	May 12, 2010	The keystone of any Delta plan—interim or otherwise—must be adaptive management. Adaptive management relies on an integrated, science-based conceptual foundation and framework and a robust monitoring and evaluation program that allows the testing of hypotheses about environmental and biological responses to program actions. A successful adaptive management program will allow managers to identify uncertainties, risks and opportunities for management action; direct monitoring to resolve uncertainties; and alter the planned course of action depending on how the levels of risk, uncertainties and conditions resolve over time.

Matrix 3 **Comments related to Delta Plan**

Association	Date	Comment
Coalition for a Sustainable Delta	May 12, 2010	...policy should drive the science funded by the Delta Science Program. Managers and policy makers should identify specific areas of research and solicit proposals for qualified scientists to complete research. The Delta Science Program should also seek to draw on experience and knowledge throughout the scientific community (not just those that have been previously involved in Delta research) and promote an inclusive process and exchange of ideas through solicitation and proposals and funding of research activities.
Coalition for a Sustainable Delta	May 12, 2010	Over the past several years, a paradigm shift has taken place in the Delta. The paradigm shift is captured most succinctly in two major reports regarding the Delta:..the authors describe a shift from an outdated paradigm that identified pumping associated with water exports from the Delta as “the biggest cause of fish declines in the estuary,” to a new paradigm that identifies pumping as “only one of several causes of fish declines.” (PPIC 2007.)
Delta Wetlands Project	May 12, 2010	We believe that it is appropriate, and sound public policy, for the Council to embrace and actively encourage projects that further its aims where it is clear that doing so would not compromise other projects, the Delta Plan, or other public policy objectives.
Ironhouse Sanitary District	May 18, 2010	ISD has closely monitored the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta, both the 1995 Plan and the revised Management Plan in February 2010. It is important that the Management Plan serve as a basis for developing an interim as well as final Delta Plan.
Northern California Water Association	May 11, 2010	NCWA urges the Council to focus that interim plan on actions that either: (1) can be implemented and produce benefits before the final Delta Plan is due on January 1, 2012; or (2) address immediate risks that could result in serious problems before that time.
Recreational Boaters of California	July 8, 2010	Recreational Boaters of California [RBOC] urges the Delta Stewardship Council to recognize the recreational boating community as a stakeholder and to include a representative of the recreational boating community in the development of the Delta Plan.
Reclamation District No. 830	May 14, 2010	The Land Use and Resource Management Plan for the Primary Zone of the Delta identifies the values and trends that have the potential to influence the protection, preservation and enhancement of the valuable resources of the Delta. It is important that the Management Plan serve as a basis for developing an interim,a,s well as a final Delta Plan.
Sacramento Regional County Sanitation District	July 19, 2010	...that the appropriate consideration of the Delta Plan is to ensure that the Interim Plan not preclude or interfere with alternatives that may emerge in the Delta Plan. There are aspects of the Second Draft that suggest prejudgment of the Delta Plan and premature exercise of authorities that are relevant only to the Delta Plan.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: Bullet 5 shouldn't be included in the IP since the Delta Protection Commission's (DPC) economic sustainability plan isn't due until a year from now on July 1, 2011. As a result, it should be incorporated into the DP instead.
State & Federal Contractors Water Agency	August 3, 2010	p.15, lines 29-36: These three bullets are within the purview of the Council but should not be included in the IP but are rather they are activities that will properly occur as part of the Delta Plan development.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Antioch, City of	May 12, 2010	We ask that the Council consider not only direct impacts, but also the cumulative impacts of the 2-Gates, Three-Mile Slough, BDCP and other projects being considered in the context of the Delta Plan and its implementing Legislation...These analyses must include consideration of the direct and cumulative impacts upon Western Delta water quality, flow and public trust resources.
Antioch, City of	May 12, 2010	The Three-Mile Slough project anticipates a barrier across the Three-Mile Slough. The City of Antioch holds water rights to Sacramento River flow through Three-Mile Slough. What protections, mitigations, and assurances will the Council/Delta Plan provide to ensure the City of Antioch's water rights are not impacted by this project?
Antioch, City of	May 12, 2010	The 2- Gates Project has discussed a possible future barrier across Georgiana Slough. The City of Antioch holds water rights to Georgiana Slough...What protections, mitigations, and assurances will the Council/Delta Plan provide to ensure the City of Antioch's water rights are not impacted by this project?
Antioch, City of	May 12, 2010	How will the forthcoming SWRCB Delta Flow Criteria be considered with respect to the 2-Gates Project, Three Mile Slough Project, and BDCP - or any other projects considered by the Interim Plan?...How will the Council incorporate and apply the Flow Criteria within the Interim Plan and the Delta Plan?
Association of California Water Agencies	July 2, 2010	ACWA strongly encourages the Council to focus its efforts on an interim plan that emphasizes "recommendations for early actions, projects, and programs."
Association of California Water Agencies	July 2, 2010	...interim plan should focus on providing the guidance most essential to the development and adoption of early actions that advance the co-equal goals. The plan should also explore methods and metrics to measure successful advancement of the co-equal goals.
Association of California Water Agencies	July 2, 2010	Every effort should be made to draft a succinct plan that provides specific guidance and information regarding the Council's priorities under the interim plan; the critical elements that should be considered and discussed in any proposal submitted to or taken up by the Council; the criteria Council and staff will consider when reviewing proposals for early actions; and how the Council will assess and report out on the actions implemented under the Interim Plan.
Association of California Water Agencies	July 2, 2010	The Interim Plan should layout a process for soliciting, reviewing and adopting early actions. This should include the criteria that Council will consider when evaluating proposals. A good starting point for evaluation criteria may be the eight policy objectives...More specific criteria such as financial feasibility...project status...availability of agencies critical to action implementation...
Association of California Water Agencies	July 2, 2010	The Interim Plan should encourage the implementation of actions such as real-time operations of export projects based on scientific information about the location and status of protected species; mark-select fisheries...predation control; management of wastewater discharges...
Association of California Water Agencies	July 2, 2010	The plan should identify and test mechanisms for evaluating and measuring implementation of early actions in the context of achieving the coequal goals through adaptive decision making.
Association of California Water Agencies	August 2, 2010	...it is critical for the Interim Plan to focus on the necessary guidance and procedure to put into play early actions, projects and programs.
Association of California Water Agencies	August 2, 2010	...while the second draft is a significant improvement, we believe additional modification is necessary to ensure the Interim Plan focuses on early actions.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Commenter	July 26, 2010	I am oppsed to the Gates project. It is not well thought out. It does not address any of the impact to other species of fish than smelt. It will pose a sigbificant risk to public safety response times as well. The Gates project is a bad idea funded by So Cal water companies.
California Department of Water Resources	July 2, 2010	Therefore, DWR encourages the Council to focus on the specified goals of the Interim Plan: namely, to develop "recommendations for early actions, projects, and programs," in a way that is consistent with its research needs and program development objectives in furtherance of the 2012 Delta Plan.
California Department of Water Resources	July 2, 2010	Those goals should be linked to specific, measurable objectives, and those objectives used to develop criteria through which the Council can provide meaningful recommendations to the entities with the authority and responsibility to implement early actions and other on-going activities...it should also be a prioritization activity that helps the Council clarify which activities can yield the most significant benefits for the public and private investments. Further, this activity would help identify specific quantifiable (and implementable) measures of performance that go beyond those developed by the Delta Vision process. Finally, this process can and should be an iterative and interactive process with the public and public agencies actively engaged to the extent practicable in all aspects of program review and drafting.
California Department of Water Resources	July 2, 2010	Clarify the difference between " Recommendations" and "Consistency determinations"...That plan should be specific and clear about the procedural requirements for projects undertaken prior to the adoption of the 2012 Delta Plan. If it seeks to establish a de facto consistelcy certification process rather than produce "recommendations" to state and local agencies, such a process would potentially require environmental review and compliance with the Administrative Procedures Act.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - DWR undertakes several delta actions every year, such as installation of the temporary rock barriers in the South Delta. It would not be feasible for DWR to not undertake this project pending the adoption of the Delta Plan.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-7 - Would require DWR to immediately create a flood bypass on the lower San Joaquin River which may be infeasible.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: The appendices should be expanded (and outside of the plan entered into a geospatial database) as additional programs and projects are researched.
California Farm Bureau	July 2, 2010	Two-Gates and Three-Mile Slough are projects that currently reside with other agencies (USBR and DWR primarily). Though both may have potential relevance to long-term Delta Plan or BDCP-related activities, the only possible near-term contribution of the DSC in this area is perhaps in the area of the independent scientific input from the Independent Science Board and/or Delta Science Program, coordination among agencies and stakeholders, and possible political intervention in support of near-term implementation and resolution of outstanding concerns.
California Farm Bureau	July 2, 2010	Three-Mile Slough is a project that may have potential relevance as a possible future salinity reduction measure in the face of possible sea-level rise, restoration, or water quality impacts from long-term water operations with possible new conveyance...this would likely be a long-term, as opposed to a near-term Delta Plan action.
California Farm Bureau	July 2, 2010	The goal related to improved "Delta watershed diversion data collection and reporting" has been addressed legislatively...No additional action is required in the area, at least for the time being, pending a reasonable waiting period and chance for a fair assessment of any outcomes associated with this recent legislation.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
California Farm Bureau	July 2, 2010	It is not clear what is meant by the phrase "[d]evelopment and acceptance of flow criteria developed by DFG and SWRCB." The statutory purpose of such flow criteria is to inform the Delta Plan and BDCP only. The flow criteria in question will have to be developed, not by the Delta Council, but by DFG and SWRCB, respectively, on an extremely condensed timeframe, which cannot possibly take full account of all of the scientific complexity such a task entails and, so, which cannot satisfy the criterion that information relied upon or included in the Delta Plan be based on the "best available science."...more detailed information will come in the form operational plans for the state and federal projects (the new consolidated biological opinion or a long-term BDCP for example) and in full-blown water quality and water rights proceedings or other regulatory proceedings...
California Farm Bureau	July 2, 2010	Deliverables relating to tasks assigned by the Legislature to the Delta Protection Commission...and the California Department of Food and Agricultural...are, as with the DFG and SWRCB flow criteria above, near-term activities...that require no near-term action on the part of the DSC...all of these deliverables are important products that will embody critical local and agricultural stakeholder input and will require eventual adoption and consistency findings from the DSC for eventual incorporation in the DSC's larger Delta Plan...near-term activity by the DSC in this area should include close coordination and communication and DSC-level direction to help ensure, as nearly as possible, some maximal level of consistency and direct adoption of local and agricultural perspectives in the DSC's Delta Plan.
California Farm Bureau	July 2, 2010	(re: Delta Watermaster) Section 85230 of the Water Code is unclear as to the intended scope or content of the SWRCB "consultation" with the DSC concerning appointment of a Delta Watermaster-and, also, as the timing of said appointment. Accordingly, this may or may not be a near-term activity and is, in any case, a duty of the DSC which must be further clarified.
Contra Costa Council	May 12, 2010	The Contra Costa Council is pleased to offer these suggestions for an Interim Delta Plan...These are actions that we believe are needed in the near term to protect public safety as well as water supply while the long-term solutions are being developed and implemented...Expedite efforts for a multi-agency coordinated emergency response action plan in the event of levee failure...Develop an emergency preparedness program to stockpile rock and other logistical material and equipment to be used in the event of any levee failure...Begin implementation of levee strengthening at identified strategic locations in the Delta...and the funding would come from Propositions 1E and 84...
Contra Costa Council	May 12, 2010	The Contra Costa Council is pleased to offer these suggestions for an Interim Delta Plan...These are actions that we believe are needed in the near term to protect public safety as well as water supply while the long-term solutions are being developed and implemented...Design and construct improved fish screens at the export project pumping stations
Contra Costa Council	May 12, 2010	The Contra Costa Council is pleased to offer these suggestions for an Interim Delta Plan...These are actions that we believe are needed in the near term to protect public safety as well as water supply while the long-term solutions are being developed and implemented...Begin planning for projects to improve flow through Delta channels and proposed ecosystem restoration projects

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Contra Costa Board of Supervisors	May 12, 2010	It is time to step up as a leadership body and move toward implementing these short and medium-term actions that will provide results and reduce risk while longer-term solutions are being worked out. For Contra Costa County, this includes specific short-term actions to improve the ecosystem, water quality, and the fishery. An initial list of these projects includes: Levee improvements...Continue the state levee subventions program at 75/25 cost share; support and work with Delta Long Term Management Strategy (LTMS) and other federal programs such as Corps Levee Stability Improvement Program...Stockpiling of appropriate size rock at strategic locations in the Delta for purposes of emergency levee repair...Water quality and fishery improvements at Franks Tract...Additional and improved fish screens at pumps...Subsidence reversal projects...Habitat improvement projects, such as the Dutch Slough restoration project... Emergency response planning activities..The concept of a 'beneficiary-pays' long term financing structure needs to be worked on...Development of Delta problem identification and scientific analysis in the broader context (issues not otherwise covered through the BDCP process).
Contra Costa Board of Supervisors	May 12, 2010	Other potential projects that have no clear identified or demonstrated benefits or projects mired in controversy should not be considered further, such as the 2-Gates Project...Contra Costa County strongly recommends striking this project from the list.
Contra Costa Water District	May 12, 2010	CCWD's comments focus on the importance of three items in the Interim Plan: Dutch Slough tidal marsh restoration, Clifton Court Forebay fish screens, and strategic levee investments...It is crucial that CCWD receive sufficient funding assurances to allow pre-construction activities to begin in the fall of 2010 so that a significant portion of the Canal adjacent to the Dutch Slough site can be encased in 2011, allowing the Dutch Slough Project to be completed on schedule. The help of the Delta Stewardship Council in securing funding for these two inter-related and important projects would be greatly appreciated, as would the inclusion of the Canal Levee Elimination and Flood Mitigation Project in the Interim Plan.
Contra Costa Water District	May 12, 2010	Fish protection screens at Clifton Court Forebay could play a key role in protecting both fish and water supply, promoting both of the co-equal goals of the Delta Stewardship Council...Interim study results are expected shortly and the study will be completed by the end of 2010. We anticipate working with the Independent Science Board on a peer review of study results. If the results and reviews are positive, we support implementation.
Contra Costa Water District	May 12, 2010	Continuing the levee subvention program and investing in emergency response to levee failure is crucial but will not be sufficient to minimize the risk to people and property in the Delta. Additional investment in levee infrastructure must be made to truly preserve the Delta as a community, minimize the short and long term risk to critical infrastructure that is important on a statewide scale, and safeguard other investments made to promote the co-equal goals.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Contra Costa Water District	June 18, 2010	CCWD is submitting the following material for your consideration: A list of projects for inclusion in the Interim Plan. (Attachment 1)...A tracking sheet that can be used as a template to provide accountability and transparency for the projects in the Interim Plan. (Attachment 2)...The list does not include administrative or legal activities of the Council, but is focused on projects that require planning, environmental documentation, design and construction. Although this is not an all-inclusive list, it incorporates many of the items listed as near-term actions or priority projects in the draft Interim Plan and those under consideration as near-term actions in the Bay-Delta Conservation Plan. The tracking sheet is provided as an example of a tool to maximize the odds of success for Interim Plan projects by ensuring that each component of the project (including outreach to the public, careful selection of project description and design, compliance with environmental regulations, and funding) is addressed in a timely manner with a realistic schedule.
Contra Costa Water District	June 18, 2010	Protect Delta cultural, recreational and agricultural values (B) - Sacramento Deep Water Ship Channel Project, SF Bay to Stockton Deep Water Ship Channel Project
Contra Costa Water District	June 18, 2010	Restore Delta Ecosystem (C) - Blacklock Restoration Project, Cache Slough Restoration, Calhoun cut/Lindsey Slough tidal Habitat restoration, Decker Island, Dutch Slough Tidal Marsh Restoration, Fish Screen Project at Sherman and Twitchell Islands, Franks Tract Project, Fremont landing Conservation Bank, Fremont Weir fish passage improvements, Fremont Weir modifications for seasonally inundated floodplain enhancement, Hill Slough tidal habitat restoration, Lisbon Weir fish passage enhancement, Lower Mokelumne River Spawning Habitat Improvement Project, McCormack-Williamson Tract/Grizzly slough, Meins Landing, Prospect Island tidal Habitat restoration, Putah Creek fish passage enhancement, Rush Ranch tidal habitat restoration, South Delta Temporary Barriers Project, Suisun Marsh Habitat Management. Preservation and Restoration Plan, Yolo Ranch tidal Habitat restoration
Contra Costa Water District	June 18, 2010	Promote statewide water conservation, efficiency, sustainable water use (D) - Appoint Delta Watermaster, Delta watershed diversion data collection and public reporting
Contra Costa Water District	June 18, 2010	Improve the water conveyance system and expand statewide water storage (F) - 2 Gates Fish Protection Demonstration Project, Bay Area Regional Desalination Project, Davis-Woodland Water Supply Project, Delta Wetlands, Low-Flow Screened Intake to Clifton Court Forebay, Freeport Regional Water Project, Los Vaqueros Reservoir Expansion
Contra Costa Water District	June 18, 2010	Improve Water quality consistent with achieving water quality objectives in the Delta (E) - Stockton Deep Water Ship Channel Demonstration Dissolved Oxygen Project, North Bay Aqueduct Alternative Intake Project
Contra Costa Water District	June 18, 2010	Reduce risks to people, property and state interests in the Delta (G) - Contra Costa Canal Levee Elimination and Flood Mitigation Project, Mayberry Farms Subsidence Reversal and Carbon Sequestration Project, North Delta Flood Control & Ecosystem Restoration Project, USGS Subsidence Research Project on Twitchell Island
Contra Costa Water District	July 1, 2010	We would like to submit the following descriptions of Contra Costa Water District's projects that were included in the interim plan. Some of the details included in the first draft of the interim plan are out of date and we would like to provide the most current information possible.
Contra Costa Water District	July 26, 2010	The Delta Plan and Interim Plan must be about actions to improve the Delta...the Interim Plan should include interim projects that were identified by the Delta Vision Strategic Plan and elsewhere in addition to those listed in SBX7-1...We urge you to do everything in your power to ensure that these 'early actions' transition from concepts to implementation to make good on the commitment to the co-equal goals.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Delta Counties Coalition	July 30, 2010	Each County will include a list of “early actions” in the Interim Delta Plan for adoption in August 2010, if a list is to be included as a part of the final draft.
Delta Wetlands Project	May 12, 2010	While the list of designated interim actions is reasonable, we do not believe that it is complete, and it certainly does not include projects that may become ready during the interim period. In addition to the Delta Wetlands Project, other projects that are likely to become ready during the interim period include: the Emergency Response Plan, Corps of Engineers’ CalFed Levee Stability Program, DWR’s Delta Levees Special Flood Control Projects, DWR’s special projects to enhance habitat, the North Delta Flood Control and Ecosystem Restoration Project and others. The interim plan should address the need to deal with these projects during the interim period.
Delta Wetlands Project	May 12, 2010	Our suggestion is that the Council establish a procedure, within its interim plan, for adding projects to the list of interim actions. This procedure could be applied immediately to projects that are ready but for some reason were not included in the legislation. The same procedure could be used as needed during the interim period to include projects that become ready and can advance the Council’s objectives without waiting for adoption of the Plan or consuming significant Council resources.
Delta Wetlands Project	May 12, 2010	Projects being considered for addition to the list of interim actions should meet many, if not all of, the following criteria designed to assure their consistency with Council objectives:...have a final California Environmental Quality Act document... Projects should not hinder, and should preferably contribute to meeting the Co-Equal Goals and other goals of the Delta legislation...Projects should be consistent with, or not compromise or interfere with, programs and actions being considered by the Bay Delta Conservation Plan (BDCP)...Projects should, preferably, advance other public policy goals...Projects that are subject to subsequent, substantive environmental and regulatory review and approval where such environmental review and approval process will consider the Council’s interim plan and other guidance...Projects should be user or beneficiary financed.
Delta Wetlands Project	May 12, 2010	We suggest that the Council be able to add to the list of interim actions on their own motion. We further suggest that project proponents be able to propose that their project be added to the list of interim actions by submission of a self-certification of consistency with the above criteria, subject to Council review and approval.
Delta Wetlands Project	May 12, 2010	We believe that the Delta Wetlands Project should be added to the list of interim actions for the following reasons:...A final EIR should be issued by the end of this calendar year making the project ready to proceed in advance of the finalization of a Delta Plan...The project will be subject to review and permit approval by the State Water Resources Control Board, the California Department of Fish and Game, and other state and federal agencies...The project contributes to meeting the co-equal goals of providing a “more reliable water supply for California” and “protecting, restoring and enhancing the Delta ecosystem.”...The project contributes to meeting other public policy goals including the strengthening levees, reducing subsidence on Delta islands, and reducing the emission of greenhouse gases...The project islands are not targeted for action by the Bay Delta Conservation Plan or the Blue Ribbon Task Force’s Strategic Plan. Nor does development of the project violate any of the proscriptions considered for the Delta such as residential development...The project is consistent with identified elements of the Bay Delta Conservation Plan...The project will not conflict with new biological flow criteria or biological objectives called for by the Delta legislation...The project will be implemented by the Semitropic Water Storage District and will be user financed. It will not compete for money or Resource Agency time with other Delta projects.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Delta Wetlands Project	August 5, 2010	For that reason we also were pleased that you included review of the Delta Wetlands Project in your sample work plan and we look forward to developing a detailed work plan with the Council.
East Bay Municipal Utility District	July 28, 2010	The Two Gates Fish Protection Demonstration Project...is intended to keep Delta smelt away from south Delta pumping; however, it may affect salmonids that migrate through the Delta, including salmon and steelhead that migrate to and from the Mokelumne River. EBMUD requests that the Council recommend and assure full funding of a robust fishery monitoring component to verify whether the project's contemplated benefits are achieved in the field. This should be coupled with a commitment to utilizing those results in an adaptive management process that is clearly described before the project is approved and implemented ..
East Bay Municipal Utility District	July 28, 2010	...the Two Gates Fish Protection Demonstration Project ...must include a substantial fishery monitoring component to verify whether its contemplated benefits are achieved in the field, and then commit to utilizing those results in an adaptive management process that is clearly described before the project is approved and implemented.
Glenn-Colusa Irrigation District	May 12, 2010	...the Department of Water Resources (Department) is already tasked with identifying conservation and efficiency targets for water consumption and must convene a task force to develop alternative best management practices and assess the potential statewide water use efficiency improvements...The Plan should recognize and incorporate these efforts and not attempt to trump the activities of the Department.
Glenn-Colusa Irrigation District	May 12, 2010	The Interim Delta Plan calls only for Council recommendations for early actions by other agencies...As such, the Interim Delta Plan should recognize these ongoing efforts.
Glenn-Colusa Irrigation District	May 12, 2010	Regarding statewide storage, the Interim Delta Plan should encourage continued feasibility studies of water storage facilities and should direct the Delta Science Program to accelerate studies on the environmental and water supply benefits of various statewide water storage options. The Council will need to consider how additional storage could increase the potential yield and/or flexibility of the state's water system to assist in Delta restoration goals.
Glenn-Colusa Irrigation District	May 12, 2010	The Plan should also contain contingencies for the implementation of SB2 (The Water Bond) and how the Council would interact with the reformed Water Commission.
Glenn-Colusa Irrigation District	May 12, 2010	The Sacramento-San Joaquin Delta Emergency Preparedness Act of 2008 requires the Office of Emergency Services to convene a Multi-Hazard Coordination Task Force that is responsible for emergency response planning the Delta...The Interim Delta Plan should recognize this ongoing effort and should direct appropriate recommendations to the MultiHazard Coordination Task Force.
Glenn-Colusa Irrigation District	May 12, 2010	To the extent the Council is going to make recommendations to the land use and resources management plan, those recommendations should be made as the Delta Protection Commission updates its plan.
Glenn-Colusa Irrigation District	May 12, 2010	The Legislature has already directed the Department of Water Resources to move forward on several near-term projects...including Dutch Slough tidal marsh restoration and Meins Island tidal marsh restoration, as well as ...Two Gates Fish Protection Demonstration Project. The State Water Resources Control Board (SWRCB) has completed its flow proceeding...and plans to issue its report late summer 2010...In addition, there are other restoration projects under consideration in other venues, such as potential restoration opportunities in the Yolo Bypass and Suisun Marsh. Instead of creating a new venue in which these issues are reconsidered, the Interim Delta Plan should recognize and incorporate these existing efforts.
Glenn-Colusa Irrigation District	May 12, 2010	...the SWRCB must also develop...an effective system of Delta watershed diversion data collection and public reporting. The Interim Delta Plan should recognize these ongoing efforts.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Glenn-Colusa Irrigation District	May 12, 2010	The appointment of an objective and effective Watermaster, through the Council's consultation with the Board [SWRCB], should be part of the Council's Interim Delta Plan.
Commenter	May 11, 2010	First, if it is a "rapid" science study will it be comprehensive? Second, there is no qualifier that said if the scientific study showed gates weren't effective, don't construct them. Constructing the gates is a step of its own. There's no Environmental Impact Report (EIR) step listed or any other updated project plan.
ICF International	May 12, 2010	I would like to submit the Delta Corridors Plan as a coordinated near-term action for the Interim Delta Plan. The Delta Corridors Plan provides an integrated set of near-term channel modifications that have both water supply and ecosystem protection benefits...The basic idea of this Delta habitat conservation strategy is to separate the San Joaquin River (SJR)-estuary corridor to restore natural functions of the river-estuary habitat and eliminate all entrainment of SJR fish...All migrating Sacramento River fish would also be protected from central Delta predation losses by two large fish screens at the Delta Cross Channel and at Georgiana Slough near Walnut Grove. The DCC would be opened to allow full exports to be diverted from the Sacramento River without any fish being diverted from their migration pathway...The efficiency (i.e., performance) of the CVP and SWP fish salvage facilities could be improved...The Delta channels would be divided with four barriers between Old River and Middle River to separate the water supply corridor on Middle River from the SJR-estuary corridor on Old River.
Ironhouse Sanitary District	June 23, 2010	Please delete Jersey Island from the above text. ISD is not holding Jersey Island as "conservation lands," a term which is not defined by the First Draft Interim Delta Plan. ISD acquired and holds Jersey Island for the disposal of treated wastewater and biosolids...ISD owns virtually all of Jersey Island; the balance is privately owned...ISD has in place an existing land use strategy for Jersey Island which reflects its use for the disposal of treated wastewater and biosolids. As part of its internal planning process, ISD is evaluating the land uses mentioned in the above text [new land use strategy that fosters recreation, increases habitat, reverse subsidence, sequesters carbon, improves handling of dredged material, and continues appropriate agriculture]
Resident of Discovery Bay	July 26, 2010	I am against the two gates project for the following reasons, please do not go forward with this. More likely harmful to the Delta Smelt than protecting them...An extremely negative impact to the Delta communities economies affecting marinas and marine-based businesses in the area; thus negatively affecting home values...A safety issue for boaters and marine rescue operations in the area...A negative impact on the quality of the water in Discovery Bay and potentially affect the health of the citizens using the water for swimming and recreation...An issue for the City of Discovery Bay to be able to safely discharge treated waste water...Unreasonably expensive, especially for a temporary experiment.
Resident of Delta	July 25, 2010	The result of installing these gates [Two-Gates Fish Protection Demonstration Project] has been shown to be:... More likely harmful to the Delta Smelt than protecting them...An extremely negative impact to the Delta communities economies affecting marinas and marine-based businesses in the area; thus negatively affecting home values...A safety issue for boaters and marine rescue operations in the area...A negative impact on the quality of the water in Discovery Bay and potentially affect the health of the citizens using the water for swimming and recreation...An issue for the City of Discovery Bay to be able to safely discharge treated waste water...Unreasonably expensive, especially for a temporary experiment...This plan should not specifically name the "Two-Gates" project but rather should recommend the DWR work to identify solutions to the fish entrapment issue. The Two-Gates project is not such a solution.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Resident of Delta	July 25, 2010	A primary concern of South Delta residents is that many plans have no consideration for travel in the Delta and, in particular, the Two-Gates project would cut Discovery Bay off from the rest of the Delta.
Metropolitan Water District, Alameda County Water District, Contra Costa Water District, Santa Clara Valley Water District, and Zone 7 Water Agency	June 7, 2010	Our five agencies have joined together to fund a study to develop conceptual alternatives for positive barrier low-flow fish screens on South Delta exports, using modeling studies to evaluate potential concerns such as fish movement out of the south Delta...We anticipate working with the Independent Science Board on a peer review of study results...Potential benefits include reducing entrainment at the State Water Project export facilities as well as providing additional water supply reliability by reducing the potential for entrainment of listed species. Clifton Court Forebay fish screens could provide benefits for both the short term and long term and are compatible with other Delta actions as water exports from the south Delta would continue whether or not an Isolated Facility is constructed.
Resident of Bethel Island	May 12, 2010	This project will put lives at risk via the sheriff's marine patrol, fire boats not being able to get through, and the environmental impact report is not yet in!
Natural Resources Defense Council	May 12, 2010	In 2007, NRDC, MWD and other stakeholders agreed...that DWR should undertake the preparation of a management plan for Sherman Island as an interim action. This island is owned by DWR and was identified by the PPIC as the most vulnerable island in the Delta. If Sherman Island were to flood under current circumstances, it would result in the loss of power lines and Highway 160, and could threaten the stability of adjacent islands...Whatever long-term management direction the Council ultimately selects in the Delta Plan, it is likely that for several decades at minimum, the state will need to reduce the vulnerability of Sherman Island. Thus, a management plan for Sherman Island would not pre-determine any long-term decision regarding the Delta...Such a management plan could stop and reverse ongoing subsidence, reduce the risk of a large-scale failure, maximize the reuse of dredged material, reduce the impacts of a flood, reduce the cost of rehabilitation, sequester carbon, and create habitat benefits.
Natural Resources Defense Council	May 12, 2010	Increase investment in Exotic Species Control
Natural Resources Defense Council	May 12, 2010	Delta Conservancy and Agricultural Conservation Easements...The Conservancy should be authorized to purchase title and easements, and to undertake projects in areas including the environment, agricultural land preservation, historical preservation, tourism, and recreation.
Natural Resources Defense Council	May 12, 2010	Cumulative Impact Analysis: Provide funding to the University of California, or the Delta Protection Commission and DWR's Division of Flood Management to analyze potential cumulative impacts, over the next 50 years, of urbanization in the primary and secondary zones of the Delta and on adjacent lands.
Natural Resources Defense Council	May 12, 2010	Within a year, DWR should identify those Delta levees that are essential to the current operations of the SWP and CVP pumps in the South Delta...The identification of these key levees will assist the Council in the preparation of the Delta Plan. It will also assist the state in short-term emergency management preparation efforts.
Natural Resources Defense Council	May 12, 2010	The draft outline of the Interim Plan...includes interim restoration actions such as Dutch Slough and Meins landing. We recommend that restoration projects in Suisun Marsh be added to this list.
Natural Resources Defense Council	May 12, 2010	...the Interim Plan should include some key early actions from the Science Program...Work closely with the Department of Fish and Game and the State Water Resources Control Board to develop recommended quantifiable biological objectives and goals to assist these agencies and the BDCP in the completion of tasks that the legislature has assigned to them.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Natural Resources Defense Council	May 12, 2010	...the Interim Plan should include some key early actions from the Science Program...Complete an independent scientific review of agency efforts to implement the “logic chain.”
Natural Resources Defense Council	May 12, 2010	While we urge the Council to become an active participant and, indeed, a leader in developing a long-term restoration plan for the Delta, the Council should not and cannot modify the existing OCAP Biological Opinions (BOs) in the short term.
Natural Resources Defense Council	May 12, 2010	Candidates for early action habitat restoration projects include:...Restore Floodplain Habitat and Fish Migration Through the Yolo Bypass...Restore Tidal Marsh in Suisun Marsh...Expedite Implementation of Dutch Slough Tidal Marsh Restoration Project...Acquire and Restore Decker Island...Restore and Enhance the Cache Slough Region...Implement the McCormack Williamson Tract Flood Control and Ecosystem Restoration Project
Natural Resources Defense Council	May 12, 2010	Management Plan for Sherman Island...to meet several objectives, for example, to: Stop ongoing subsidence and. If economically feasible, begin to reverse it; Reduce risk of failure; Reduce the consequences of failure, to Hwy 160 and surrounding islands; Maximize the potential for economic reuse of dredged material...and Explore the opportunity to restore wetland and fisheries habitat.
Natural Resources Defense Council	May 12, 2010	South Delta Floodway...DWR should undertake modeling and initial design work evaluating a potential floodway, including among other sites, Stewart Tract.
Northern California Water Association	May 11, 2010	Perhaps the most important interim step that the Council could take would be to request that the Department of Water Resources, the Bureau of Reclamation and the contractors of the State Water Project and the Central Valley Project develop, and disclose to the public, their plan for addressing the effects of a catastrophic earthquake or flood in the Delta.
Northern California Water Association	May 11, 2010	...the interim Delta plan should request that the SWRCB focus its new enforcement resources on the Delta to ensure that the Delta’s crisis is addressed as much as possible by enforcing the existing water-right system.
Northern California Water Association	May 11, 2010	The Council accordingly should seek to expedite the Two Gates demonstration project – which could address both fishery and export water supply concerns – by seeking to coordinate the actions of state and federal agencies with jurisdiction over the project.
Northern California Water Association	May 11, 2010	As part of its interim Delta planning, the Council should engage the Central Valley Regional [Water Quality Control] Board to determine what would be necessary for it to address the issue.
Port of West Sacramento	August 2, 2010	Currently, the State of California and US Army Corp of Engineers, is funding a Federally Authorized project designed to improve air quality in Northern California, by reducing truck traffic and increasing the capacity of inland ports like the Port of West Sacramento. The channel deepening project is scheduled to continue in federal fiscal year 2011...Actions proposed in the Interim Plan should carefully analyze impacts on existing funding sources and agency alliances.
Pro-Troll	July 2, 2010	The salmon industry is working on over 100 specific actions we believe are necessary to restore the Delta ecosystem and recovery the fisheries. We will submit these to the Council as soon as they are ready.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Sacramento, County of	August 3, 2010	...the draft plan still does not adequately describe specific guidelines and actions...that will result in large-scale water supply reductions and protect water rights priorities. Therefore, Sacramento County strongly recommends that one of the IP's top-tier "early actions" should specially address how reliance on the Delta as source of water for municipal and agricultural purposes will be reduced in both the near- and long-term. Sacramento County has previously gone on record citing the importance of developing realistic and comprehensive policies that set the framework for providing a long-term and reliable water supply in the Delta and protect water rights and areas of origin.
Sacramento, County of	August 3, 2010	...local land use projects meeting the "covered action" definition would essentially be subject to oversight by the DSC (via the consistency findings requirement). This is especially troubling to Sacramento County. Land use policy and regulation in California, with a few exceptions (e.g., Coastal Zone requirements), have long been under the exclusive purview of local governments. In accordance with the 1992 Delta Protection Act, land use review and appeal authority currently rests with Delta Protection Commission...
Sacramento, County of	August 3, 2010	Therefore, to provide greater transparency and certainty, Sacramento County recommends the IP's "early actions" refine and define the land use review process and specifically list which types of discretionary land use entitlements and water management projects (private and public) will be subject to the DSC's consistency findings described in WC section 85225.
Sacramento Regional County Sanitation District	May 12, 2010	SRCSO recommends that the Interim Delta Plan focus on promoting water recycling projects and helping to secure the associated funding that will be necessary to ensure water recycling becomes a reality. SRCSO recommends two projects for inclusion in the Interim Delta Plan to help achieve the two equal goals: - South Sacramento County Agriculture and Habitat Water Recycling Project and - Cosumnes River Flow Restoration Project
Sacramento Regional County Sanitation District	July 19, 2010	SRCSO believes the Second Draft is not sufficiently clear as to how the Interim Plan will "inform council responsibilities and recommendations." Ultimately, we believe the Interim Plan should focus on early actions.
Sacramento Regional County Sanitation District	August 3, 2010	...we believe, the Second Draft reflects a pragmatic approach on this issue. In addition, and in response to the request at the July 23, 2010 Council meeting, SRCSO offers specific examples of near term actions in the following three areas: - Encouraging water conservation - Promoting scientific research - Reducing entrainment
Sacramento Regional County Sanitation District	August 3, 2010	We request that pursuit of recycled water projects be listed among near term actions.
Sacramento Regional County Sanitation District	August 3, 2010	SRCSO recommends that the Interim Delta Plan focus on promoting water recycling projects and helping to secure the associated funding that will be necessary to ensure water recycling becomes a reality. SRCSO recommends two projects for inclusion in the Interim Delta Plan near term actions to help achieve the two equal goals: - South Sacramento County Agriculture and Habitat Water Recycling Project and - Cosumnes River Flow Restoration Project
Sacramento Regional County Sanitation District	August 3, 2010	As a specific near term action, the Council should include support for engineering feasibility and pre-design studies for state-of-the-art fish screens to reduce entrainment losses at the CVP and SWP water intake facilities.
San Joaquin County FCWCD	July 2, 2010	The County recommends that the Council should evaluate the potential effectiveness of other short-term and interim alternatives that may benefit both the Delta and those throughout the State that are now dependent on the Delta as a water source including:...San Joaquin County's MORE WATER Project...Delta Corridors Proposal...South Delta Recirculation...South Delta Bypass

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Solano County	May 12, 2010	A formula should be created for the Council to weigh projects. This formula should include the following criteria: - legislative or political importance of the projects - the timing of projects to avoid cost overruns or redundancy - the availability of funding - impacts or conflicts with existing or proposed projects - positive and negative project impacts (including socio-economic) should be analyzed, documented (in 1, 5, 10, and 15 year increments) and shared broadly for the benefit of other project mitigation and to ensure long term financial sustainability - how adaptive management will be incorporated into project development, implementation and evaluation, and a determination made of how much flexibility should be allowed
Snug Harbor Resorts	May 12, 2010	US Army Corps of Engineers records report the Delta islands flooded 31 times but the Department of Water Resources "Delta Risk Management Strategy" report (DRMS) says Delta islands flooded 158 times. (See Attachment comparison spreadsheet) The difference is that DWR combined records of islands in and around the Delta starting from 1900, when most of the current levees were not even built. USACE reports correctly only islands within the Legal Delta Region, starting with floods after the levees were built to current standards.
Snug Harbor Resorts	May 12, 2010	Another example of revision of Delta history is the use of select island data applied to all islands to give a false impression regarding Delta "Sustainability" and "subsidence". DRMS focuses on just a few Delta Islands and the reader is left to assume the subsidence risks apply to all Delta islands. The fact is, a majority of the lands of the Legal Delta region (see map) remain within 5 feet of sea level, or above sea level.
Snug Harbor Resorts	May 12, 2010	The Council should take the position that Delta islands that have not substantially subsided and do not pose a real threat to California's water system should be removed from any consideration of elimination as a productive farming island and recreation area.
State & Federal Contractors Water Agency	May 12, 2010	Identification and support for early ecosystem restoration and habitat projects. The Council should provide input to both the Department of Fish and Game (DFG) and Department of Water Resources (DWR)
State & Federal Contractors Water Agency	May 12, 2010	...the Council should urge completion of the Yolo Ranch restoration project...
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DWR and the Bureau of Reclamation advancing the experimental 2-gates project in time for potential implementation prior to the 2012 water year.
State & Federal Contractors Water Agency	July 2, 2010	We recommend that you revise the focus of the IP effort and direct your consultants to focus on satisfying §85084's legislative direction by developing and prioritizing lists of actions, projects and programs that can be initiated immediately, along with related recommendations to pertinent state and federal agencies to assess, and where appropriate revise, their regulatory and other activities to facilitate these "early" recommendations.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: The first and second accurately state the listed activities are the responsibilities of other agencies (DFG, SWRCB and DWR). Consequently, the IP should clarify...that the Council will be monitoring and receiving information, not formulating actions, regarding these areas. Bullets 3 and 4 are appropriate to include in the IP as they are within the purview of the Council to actively engage on, though DWR is designated as the lead for coordinating flood management and water supply operations of the SWP and CVP.
State & Federal Contractors Water Agency	July 2, 2010	Appendix 5: The following project should be included as an IP "early action"...Yolo Ranch Habitat Restoration Project

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
State & Federal Contractors Water Agency	July 19, 2010	The document's repeated statement that the IP is intended to provide a framework for early actions and the corollary on page v (lines 5-6) that the IP "will outline processes the Council will use to develop its recommendations for early actions, projects and programs" are not consistent with section 85084's direction that the IP include early actions, projects and programs. Action, not process, was the legislation's expectation.
State & Federal Contractors Water Agency	July 19, 2010	We urge the Council to give strong direction to staff to make the IP an action plan focused on near-term activities that: (a) are not already being pursued by other state and/or federal entities under existing authorities; (b) can provide immediate support to the achievement of the coequal goals; and, (c) reserves most of the Council's administrative processes to developed as part of the Delta Plan to allow significantly more public engagement than can or will result in the next month.
State & Federal Contractors Water Agency	July 19, 2010	The Council could provide such "value added" by recommending that efforts to address "other stressors" in the Delta system be intensified well beyond current lackluster or non-existent approaches.
State & Federal Contractors Water Agency	July 19, 2010	In this vein, we also encourage the Council to contact the office of the President's Council on Environmental Quality which has recently undertaken an initiative to ensure the federal agencies are organized to effectively address "other stressor" problems relative to the Delta.
State & Federal Contractors Water Agency	August 3, 2010	p.12, lines 16-27: This paragraph should be modified (or the report should add a separate section) by adding reference to actual early actions that the Council will recommend rather than repeating the notion of the IP being a "framework" for developing recommendations. As noted, some "early actions" were expressly identified and delegated to other agencies in the Act, however, there are areas where the Council could provide recommendations on early actions that are not being pursued by others but should be, e.g. reducing other stressor impacts etc.
State & Federal Contractors Water Agency	August 3, 2010	p.12, line 35: the statement that the "Council work on „early actions“ will appropriately continue under the framework of the Interim Plan" should be revised so that the "early action" recommendations/activities of the Council aren't described as needing to "wait" for anything.
State & Federal Contractors Water Agency	August 3, 2010	p.15, Framework for Early Actions section. This section needs to be revised to reflect Vice-Chair Fiorini's direction, concurred with by the Council, that actual early actions and categories of actions be listed in addition to the discussion of the so-called "framework" for developing recommendations for other early actions, projects and programs. The Council and the IP should be more concerned with early actions it can promote that aren't already being carried out and less concerned with those that have been delegated to others in the Act.
State & Federal Contractors Water Agency	August 3, 2010	p.29, lines 15-16: While the concept of ensuring "congruence" between the level of protection provided by particular levees and what is being protected is an important one, the IP needs to get more specific and begin moving that ball down the road. The IP needs to lay the foundation for levee prioritization and set forth a process and timeline to achieve this goal sooner rather than later. This is an issue the Council was specifically established to exercise leadership on (see the Act, sections 85305(a) and 85306) and it should do so as part of its "recommendations for early actions, projects and programs" in the IP.
The Nature Conservancy	May 12, 2010	Project for Interim Delta Plan...McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements
Resident of Discovery Bay	May 10, 2010	I am very concerned about the "rapid science study" that is being done to justify the "two Gates" project. A complete environmental impact report needs to be done. There are issues with water flow, or lack of it, to the South Delta which need to be addressed very thoroughly.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
West Sacramento, City of	August 2, 2010	The Interim Plan should refine and significantly narrow the types of projects on which the DSC would like to consult and comment. Additionally, the Interim Plan should clarify and minimize what is involved in consultation.
West Sacramento, City of	August 2, 2010	Page 24 - 9 SBX7 1 includes specific exclusions from the Delta Plan (listed in Water Code Section 85057.5(b)). Some exclusions focus on transportation plans (e.g. regional transportation plans, Water Code Section 85057.5(b)(3)). Others exclusions apply to covered actions in the secondary zone (e.g. already consistent with either a sustainable communities strategy or an alternative planning strategy, Water Code Section 85057.5(b)(4)).
Yolo, County of	May 12, 2010	The creation of floodplain habitat in the Yolo Bypass must be comprehensively studied to determine the best way to provide a reasonable range of benefits for salmonids and other species while, at the same time, restoring and maintaining the flood protection function of the Bypass, protecting agricultural lands and practices, and safeguarding wildlife habitat (including the Yolo Bypass Wildlife Area).
Yolo, County of	May 12, 2010	Secondly, the County is a member in a joint powers authority (together with the University of California at Davis and the cities of Woodland, Winters, Davis, and West Sacramento) that is preparing a countywide HCP/NCCP. This effort is at an advanced stage, with a draft conservation plan expected by the end of 2010. It is important for the Interim Plan to recognize the existence of this parallel planning effort and coordinate with its objectives. Similarly, the Interim Plan should encourage the BDCP and other related efforts to coordinate with local conservation plans.
Yolo, County of	May 12, 2010	...the County supports Council review of the State Water Resources Control Board's plan for Delta watershed diversion data collection and public reporting...The County also recognizes that appointment of a Delta Watermaster is a matter on which the Council has an advisory role...Otherwise, however, the draft outline does not identify any topics that appear to be within the Council's authority.
Yolo, County of	May 12, 2010	The County shares the Council's interest in this topic [Risk Reduction and Emergency Preparedness] and its list of prioritized projects...that would promote public safety and emergency preparedness in the Delta.
Yolo, County of	May 12, 2010	[County of Yolo] Recommended Early Actions, Projects and Programs for Interim Delta Plan: FREMONT WEIR CONSERVATION MEASURE IMPACT ANALYSES, Priority: 1...EMERGENCY COMMUNICATIONS, Priority: 2...RURAL LEVEE EVALUATIONS, Priority: 3...BDCP AND LOCAL HCP/NCCP CONFLICT RESOLUTION, Priority: 4...CLARKSBURG LEVEE IMPROVEMENT PROJECT FEASIBILITY STUDY, Priority: 5...SB 27 TASK FORCE EMERGENCY PREPAREDNESS RECOMMENDATIONS, Priority: 6...EARLY WARNING SYSTEM AND FLOOD MONITORING, Priority: 7...FLEXIBLE FEMA STANDARDS FOR AGRICULTURAL STRUCTURES, Priority: 8...RD 2035 SACRAMENTO RIVER INTAKE AND CONVEYANCE FACILITY PROJECT, Priority: 9
Yolo, County of	August 3, 2010	There is currently no definition of early consultation. The Administrative Procedures should define this process more clearly or at least set parameters to ensure it is not an unnecessarily burdensome process and is, as intended by the Legislature, focused on assisting state and local agencies in preparing certifications of consistency.
Yolo, County of	August 3, 2010	The Administrative Procedures should accordingly make clear that early consultation is voluntary, and allow agencies to use their sound discretion to determine whether to engage in early consultation on a project-by-project basis.

Matrix 4 **Comments related to Early Actions**

Association	Date	Comment
Yolo, County of	August 3, 2010	There is no possibility that DSC staff will have the need or ability to review such documents in connection with the performance of their typical duties regarding each and every "covered action" in the Delta. Nor is a complete record called for in any of the Water Code provisions cited by DSC staff in the Administrative Procedures document. For at least these reasons, the Administrative Procedures should not require state and local agencies to submit a complete administrative record with every certification of consistency for a "covered action." The DSC should instead consider requiring only more limited submissions-such as project staff reports and environmental documents-under all but the most unusual circumstances
Yolo, County of	August 3, 2010	The document currently requires local agencies to post a draft certification of consistency for at least 30 days prior to submitting it to the Council. Nothing in the Water Code supports this requirement and it should be eliminated. Alternatively, it could be reduced to no more than 10 days so that the preparation of the certification occurs in the same timeframe as other final project approval documents. This will allow for meaningful public review while avoiding the undue delays that would inevitably result from a 30 day posting requirement.

Matrix 5 **Comments related to Administrative Procedures**

Association	Date	Comment
Contra Costa County	July 30, 2010	If the DSC is committed to adopting procedures now for review of certification of consistency with the Delta Plan, it should include direction to staff to bring the matter back to the DSC for reconsideration once a Delta Plan has been prepared or adopted. At that time, the DSC should undertake direct outreach to affected agencies to obtain comments on these procedures. Direct outreach in the form of workshops would help affected agencies understand how the procedures would work and would allow affected agencies to provide more constructive comments to the DSC.
Contra Costa County	July 30, 2010	The DSC should consider an appeal fee in Procedure 6 to help recover costs
Contra Costa County	July 30, 2010	Augmentation of the administrative record in Procedure 10 should be allowed only if the DSC can demonstrate that the additional information was widely known and available to the agency making the decision. As currently drafted, it is not clear if the additional information needs to be widely known and available to the agency making the decision.
Contra Costa County	July 30, 2010	Procedure 15b should be corrected to reference Water Code Section 85225.25.
Contra Costa County	July 30, 2010	The procedure should limit the number of times a covered action can be appealed to the DSC. Procedure 15b leaves open the possibility that the same action can be appealed without limit.
Delta Counties Coalition	July 30, 2010	...the Coalition has significant concerns about the "Administrative Procedures Governing Appeals" process including the potential for unnecessary project delays and substantial burdens on local governments.
Sacramento Regional County Sanitation District	June 23, 2010	...we believe it is imprudent to rush the adoption of regulations that will not be relevant for some time. It is very unlikely that many affected state or local agencies, or the concerned public, are aware of the scope of the proposed regulations or their impact on governmental authority.
Sacramento Regional County Sanitation District	June 23, 2010	...the issue posed by the regulations is whether the Commission has veto power over all "covered actions" approved by a state or local agency. We believe this would be a usurpation of local authority, and not consistent with law. While the Council's authorizing legislation expresses intent that land use actions be consistent with the Delta Plan, it does not appoint the Commission as the ultimate adjudicator of whether these or other state and local actions can proceed at all.
Sacramento Regional County Sanitation District	June 23, 2010	The statute stops there. It does not provide for still-further and potentially interminable appeals, and does not ultimately require local agencies to conform their actions to the dictates of the Council. The proposed regulations, however, would allow for appeals of the revised certification of consistency, nullifying the state or local agency's right to "determine whether to proceed with the covered action." This is improper.
Sacramento Regional County Sanitation District	June 23, 2010	The Commission should modify paragraph 12 of the regulation by deleting ",30 days has elapsed and no person has appealed the revised certification." It should also modify paragraph 2 for consistency. It should also afford local agencies adequate time to consider the proposed regulation, as there is no urgency. Finally, paragraph 4 of the proposed regulation twice uses the word "It" in contexts in which the reference is unclear
Sacramento Regional County Sanitation District	July 19, 2010	SRCSA has an additional concern related to inconsistency of the proposed adoption of the Administrative Procedures Governing Appeals and the Second Draft. We recognize that the administrative procedures are a separate agenda item for the Council's meeting on July 22-23,2010. However, the plan to adopt those procedures is premature and would be inconsistent with the Second Draft's emphasis on building strong relationships with stakeholders. The proposed Administrative Procedures would have significant ramifications for local public agencies. In fact, as SRCSA stated in comments dated June 23,2010, we believe the proposed procedures go beyond the Council's authority in controlling the actions of local agencies.

Matrix 5 **Comments related to Administrative Procedures**

Association	Date	Comment
Sacramento County Farm Bureau	August 1, 2010	Lines 45- 46 on page 8 Appendix 1 of the Draft Interim Plan provide for dismissal of any appeal of the BDCP if “the council or its executive officer determines that it does not raise an appealable issue”. What is an appealable issue? If the executive officer’s power to dismiss an appeal remains in the Interim Plan, appealable issues must be clearly defined. If an appellant complies with the provisions as detailed and provides additional information if requested, the appeal should be heard by the Delta Stewardship Council.
San Joaquin County	July 30, 2010	Processing Procedure (Draft Plan, Appendix I, 3. Delta Stewardship Council Administrative Procedures Governing Appeals-Review of Certifications of Consistency with Delta Plan, Page 5 lines 10-46)...While this may be difficult to fix because the legislation that exempts a project unless it has a significant impact on one or both of the coequal goals is already adopted as WC Section 85057.5, the following process is recommended for projects in the primary zone of the Delta: If an application is a project under California Environmental Quality Act (CEQA) the Agency would refer the Project to the DSC. Within 30 days, the DSC would notify the Agency if the project is a covered action. If it is, the Agency posts a draft certification of consistency with the Plan. Thirty days later, the Agency would send to the DSC a “written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan” (WC Section 85225). The detailed findings are based on a list provided by the DSC (similar to an initial study). Thirty days later, the DSC makes its determination. If the DSC determines that the action is inconsistent with the Plan then the applicant may appeal to the DSC. If upon appeal the DSC changes its determination to consistency, then the Agency waits 30 days for a second appeal period to end. If the certification is not appealed, then the Agency can approve the project. Any additional postings, other than the NOD would be done by the DSC, not the Agency. Under this scenario, no time is wasted if the DSC determines that the project is not covered. If the project is covered by the Plan, it will still take about five months to process, if the determination is appealed.
Solano County	August 3, 2010	As a general matter, the Procedures are cumbersome, lacking in certain detail, and at times confusing.
Solano County	August 3, 2010	Rule 2 requires local agencies to consult with the Council no later than 30 days before submitting its certification to the Council pursuant to Water Code § 85225. Our reading of the law, however, is that such consultation on covered actions should not be mandatory...Certainly, while our county would make every effort to consult with the Council, we question the necessity of making this an actual requirement.
Solano County	August 3, 2010	...Rule 2 could require such consultation to be with a member of the Council itself. This is a bit awkward, as that same Council Member would presumably hear an appeal of the results of such consultation.
Solano County	August 3, 2010	Rule 3 renders the process significantly more cumbersome. First, it requires the local public agency to "post its draft certification on its website, post it conspicuously in its office, and mail it to all persons requesting notice" at least 30 days prior to its submission. It is difficult to think of other agency actions requiring such exhaustive notice. Second, it requires an agency, and not the Council, to receive comments on the draft certification and include those in the administrative record.
Solano County	August 3, 2010	Rule 3 is somewhat confusing. If an agency has to take action on the draft certification before submitting it to the Council, then the 30 days should be prior to the local public agency's action on the draft certification itself, and not 30 days prior to its submission.

Matrix 5 **Comments related to Administrative Procedures**

Association	Date	Comment
Solano County	August 3, 2010	Rule 4 provides what is traditionally contemplated by an administrative record: an indexed set of documents that were "before the state or local agency at the time it made its certification." (See, e.g., Pub. Res. Code § 21167.6...Rule 9 provides that an appellant may augment the record with "additional information from a reliable source that is both directly pertinent to the issue of consistency, and was widely-known and available at the time of the agency's certification." Moreover, Rule 10 allows the Council itself to augment the record with similar information. Lastly, Rule 11 allows "any interested person" to augment the record. There are a number of problems with these provisions. First, there appears to be no provision for a local public agency to contest such augmentation. Second, with all this augmentation, the proceeding becomes less and less like an "appeal," or a review of the agency's decision, which is fundamentally what this process entails, and more like a <i>de novo</i> hearing. Third, what exactly do "directly pertinent" and "widely-known and available" mean? This could be very broad, as there are literally hundreds if not thousands of documents concerning the Delta, a healthy number of which might meet this requirement. Fourth, this raises the real possibility that new issues could be raised on appeal.
Solano County	August 3, 2010	Rule 4 requires the agency to convert hard copies to electronic files, which is burdensome.
Solano County	August 3, 2010	Has the "checklist" in Rule 4 been drafted yet?
Solano County	August 3, 2010	Rule 7 provides that an appeal is not considered "filed" until received and determined by Council staff to contain the requisite information. This is complicated by Rule 9, which permits the appellant to continue to augment the record after the appeal has been filed. The relationship between the two is a bit confusing.
Solano County	August 3, 2010	The notice requirements in Rule 8 could be clearer. It is not clear that the notice has to provide the "when and where" of the appeal hearing.
Solano County	August 3, 2010	In Rule 13(a), why would a mutually agreeable extension have to be approved by the Council's executive officer?
Solano County	August 3, 2010	Rule 13(b) should be fleshed out a bit. Would the Council hold a separate, initial hearing on such "dismiss able" matters? Also, could the executive officer's decision (if so delegated) be appealed to the Council?
Solano County	August 3, 2010	Will an agency be able to submit a response to the allegations made in the appeal? Without this ability, it is a fairly one-sided "briefing" process.
Solano County	August 3, 2010	What are the standards on appeal? For example, who has the burden of proof? What is that burden? Rule 14 uses the term "substantial evidence." What, exactly, does that mean? Also, what are the rules regarding presenting evidence? Is everything admissible?
Solano County	August 3, 2010	It is not clear to me whether or not the Council will, or even can, deliberate in closed session on the appeal.
Solano County	August 3, 2010	Assuming that an appeal is denied by the Council, will a local public agency have to start this entire process from scratch?
State & Federal Contractors Water Agency	July 2, 2010	Page 2, bottom: the draft states that the proposed Appendix 1 of "Council-approved Actions" will include "actions regarding the [BDCP]" and cites code section 85320(e)...This part of the proposed Appendix 1 should be deleted. If it is not, then the document must provide a clear explanation of the Council "actions regarding the [BDCP]" that are contemplated for inclusion.
State & Federal Contractors Water Agency	August 3, 2010	Appendix A (A) 1, p.2, lines 1-7: The Council should consider whether a majority of those present or a majority of the Council is necessary to take an action or perhaps a certain category of action. Under this proposed quorum and voting rule, 3 votes could be determinative rather than 4. The Council should consider whether it wants to require 4 votes to move items or specific categories of items.

Matrix 5 **Comments related to Administrative Procedures**

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	A1, p.2, line 30: document should be clear (or add) that in addition to a member of the Council being able to remove an item from the consent calendar, a member of the public may request the same as well.
State & Federal Contractors Water Agency	August 3, 2010	A1, p5, lines 22-27:...In conformance with the savings clauses in the legislation, this statement should be revised to require the public agency to include public comment to the extent consistent with existing law with respect to that agency.
State & Federal Contractors Water Agency	August 3, 2010	A1, p. 5, lines 40-45: This section authorizes the Council itself to appeal a consistency certification. This authority does not appear anywhere in the Reform Act. Moreover, we believe it is procedurally inappropriate for the entity authorized to decide an appeal to itself raise the appeal. Finally, allowing the Council to decide itself whether to review a decision made by the agency is inconsistent with the compromise reached in the legislation between giving the Council direct approval authority and limiting its authority only to review of a certification that has been questioned by a third party.
State & Federal Contractors Water Agency	August 3, 2010	A1, p. 6, lines 31-40: In addition to the conditions specified in this section for an appellant to augment the record, the Council should require the appellant to have attempted to submit the additional information to the agency during its process.
State & Federal Contractors Water Agency	August 3, 2010	A1, p.7, line 11: The appeal is required to be heard on the record before the agency. That requirement precludes "testimony" in the appeal process. The more appropriate phrase to use here would be "Any interested person may testify comment before the council."
State & Federal Contractors Water Agency	August 3, 2010	A1, p. 8-9:...we must point out that the proposed adoption of the "independent judgment" standard is completely unjustified. That standard is not authorized in the Reform Act; violates the Act's savings clauses; violates the existing legal standards regarding review of administrative agency decisions; and is inconsistent with the substantial judgment standard specified in the legislation for consistency certification appeals.
State & Federal Contractors Water Agency	August 3, 2010	A4, p. 4, line15: The Council here incorrectly refers to the Legislature's "water use reduction targets" by the omitting the term "per capita" before reduction, although it does correctly include that term in its summary of the statute on line 18.
State & Federal Contractors Water Agency	August 3, 2010	A4, p.7, lines 30-32: Whenever citing policy of section 85321 please quote the key sentence in its entirety, or at a minimum always recite the clauses that include "future" and "statewide" in them.
State & Federal Contractors Water Agency	August 3, 2010	A5, line 15 through the end: This "illustrative only" appendix should be eliminated from line 11 until the end and replaced with either categories only or nothing at this time. The repetitive listing of the Delta Vision recommendations, many of which were explicitly rejected by the Implementation Plan and/or superseded by the Delta Reform Act only adds confusion rather than clarity.
State & Federal Contractors Water Agency	August 3, 2010	Appendix (A) 1, p.1, lines 16-19: The Council has decided to change the location of its regular meetings to the West Sacramento City Hall, which should be reflected here.
State & Federal Contractors Water Agency	August 3, 2010	A1, p.8, lines 2: add "and the BDCP EIR" after "(BDCP)"; change "meets" to "meet".
State & Federal Contractors Water Agency	August 3, 2010	A1, p.8, line 3: add "EIR" after "BDCP" and "NCCP certification" between "its" and "determination".
State & Federal Contractors Water Agency	August 3, 2010	A1, p.9, lines 14-17: Delete 2nd sentence of this section.

Matrix 5 Comments related to Administrative Procedures

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	A4, p.3, line 32: replace “may” with “shall”; delete words after “Plan”.
State & Federal Contractors Water Agency	August 3, 2010	A5, p.1, line 4-5: Here again there is only mention of the DVSP without including the Delta Committee’s Implementation Report which is included in the Act as required for consideration, but the recommendations of which, like those of the DVSP “may” be included in the Delta Plan. The DCIR should be referenced whenever the DVSP is.
Stockton, City of	August 2, 2010	On page 6 of Appendix 1, lines 15 and 16 (Item 7 of administrative procedures governing appeals): This item notes that appeals shall be considered “filed” when the applicant’s appeal is determined by staff to contain all the information listed above. We request clarification language that notes that any delay in such staff determination will not render the appeal invalid if the otherwise completely-documented appeal is submitted to the Council with 30 days (see administrative procedure 5 on page 5).
Yolo, County of	August 3, 2010	There is currently no definition of early consultation. The Administrative Procedures should define this process more clearly or at least set parameters to ensure it is not an unnecessarily burdensome process and is, as intended by the Legislature, focused on assisting state and local agencies in preparing certifications of consistency.
Yolo, County of	August 3, 2010	The Administrative Procedures should accordingly make clear that early consultation is voluntary, and allow agencies to use their sound discretion to determine whether to engage in early consultation on a project-by-project basis.
Yolo, County of	August 3, 2010	There is no possibility that DSC staff will have the need or ability to review such documents in connection with the performance of their typical duties regarding each and every “covered action” in the Delta. Nor is a complete record called for in any of the Water Code provisions cited by DSC staff in the Administrative Procedures document. For at least these reasons, the Administrative Procedures should not require state and local agencies to submit a complete administrative record with every certification of consistency for a “covered action.” The DSC should instead consider requiring only more limited submissions-such as project staff reports and environmental documents-under all but the most unusual circumstances
Yolo, County of	August 3, 2010	The document currently requires local agencies to post a draft certification of consistency for at least 30 days prior to submitting it to the Council. Nothing in the Water Code supports this requirement and it should be eliminated. Alternatively, it could be reduced to no more than 10 days so that the preparation of the certification occurs in the same timeframe as other final project approval documents. This will allow for meaningful public review while avoiding the undue delays that would inevitably result from a 30 day posting requirement.

Matrix 6 Comments related to Bay Delta Conservation Plan

Association	Date	Comment
Antioch, City of	May 12, 2010	Initial modeling for the Bay-Delta Conservation Plan (BDCP) shows potential adverse water quality impacts to the Western Delta. ...Will the environmental reviews of the Three-Mile Slough and 2 Gates Projects require the consideration of the BDCP (such as the movement of X2) in the potential cumulative impacts and vice versa?...How will the BDCP be incorporated into the Delta Plan if the BDCP will result in impacts contrary to the goals and policies of the Delta Plan and its implementing legislation?...Will the Council/Delta Plan require mitigation of these impacts prior to incorporation of the BDCP into the Delta Plan?
California Fisheries and Water Unlimited	July 29, 2010	One simple question that is pertinent to the Independent Contractor 's work.....How many years of on-site and hands on experiences does the Independent Contractor have in doing its work to manage and fix the Bay Delta Estuary
Coalition for a Sustainable Delta	August 3, 2010	The Council has already submitted scoping comments dated June 28, 2010 regarding the Revised Notice of Preparation of a Draft EIR/S for the BDCP and hired a consulting firm to assist the Council in its review the BDCP and EIR/S. Moreover, by statute the Delta Plan must include the BDCP if it meets certain specified conditions. Therefore, it would be a duplication of effort for the Council to separately develop criteria for water project operations when the BDCP is currently focused on the near-term and long-term operations of the water projects.
Contra Costa County	July 30, 2010	The process for determining that the BDCP meets the requirements of 85320 needs to be more transparent to the public...Procedures to add prior to receipt of the Department of Fish & Game's determination include...Require an agreement with the Department to formalize a commitment between the parties to work collaboratively in preparation of the BDCP and related environmental documents... Responsibilities include coordination with the lead agencies on meeting the requirements of 85320, providing preliminary deliverables and technical analyses for review and comment by the Independent Science Board and DSC consultants, and funding the DSC responsibilities under 85320...Require the Department to include an indexed administrative record with its determination of the BDCPs consistency with 85320...Require a draft determination of consistency be made available to the DSC to give members of the public an opportunity to review and comment on it prior to its submission to the DSC and to include such comments in the administrative record accompanying the determination of consistency.
Contra Costa County	July 30, 2010	The OSC should have the ability to request additional information on the determination of consistency in the event there is no appeal. The new procedure would be of value after the DSC has received the determination, and prior to including the BDCP in the Delta Plan.
Delta Counties Coalition	July 30, 2010	The Delta Plan should coordinate with all other ongoing related efforts including but not limited to the Central Valley Flood Protection Plan, the Bay-Delta Conservation Plan and the Delta Islands Levees Feasibility Study.
East Bay Municipal Utility District	July 28, 2010	The Council, supported by the Independent Science Board, should carefully evaluate the impacts and mitigation associated with the proposed construction and operation of the dual conveyance system being considered by the Bay Delta Conservation Plan (BCDP) to ensure that the impacts are fully mitigated by the project proponents.
East Bay Municipal Utility District	July 28, 2010	The Council and the Independent Science Board should also actively review and provide input on the ecosystem restoration elements proposed in the Bay Delta Conservation Plan during the Interim Plan period, including independent review of the science supporting the ecosystem actions, confirming who is responsible for implementation and funding of the proposed actions, and reviewing the sufficiency of adaptive management. The BDCP proponents are not proposing to pay for the ecosystem elements and the Council should be thinking in advance about how BDCP may be incorporated into the Delta Plan, including financial responsibility aspects.

Matrix 6 Comments related to Bay Delta Conservation Plan

Association	Date	Comment
Environmental Defense Fund	May 12, 2010	The Bay Delta Conservation Plan:...It is the Council's responsibility to provide this independent review of critical BDCP elements and prevent the process from adopting an infeasible plan.
Residents of Clarksburg	April 13, 2010	It is our firm belief that the environment of the North Delta region will be irreversibly damaged if such a [peripheral] canal is built.
Resident of Discovery Bay	May 9, 2010	How in the world is it possible to proceed with a project of this magnitude when no environmental impact report has been done? It is terribly concerning to have a program such as this being actively pushed by the Los Angeles Metropolitan Water District and major agribusinesses in the central valley, both of whom will be the direct beneficiaries of this proposal, with no attempt being made to balance this proposal with direct representation on any of the committees charged with moving this project forward with any persons who share the concerns of those of us who live in the delta and will bear the full impact of lowered water quality if the project proceeds. Why the rush?
North Delta Water Agency	May 12, 2010	The Council should consider analyzing a broader range of facility designs, operations, and conveyance capacities than those currently being analyzed by the BDCP. One question to be answered is, "does size matter?" Large diversion intakes for Delta's urban populations including Sacramento, East Bay MUD, and Contra Costa are approximately 300 cfs, however most diversion intakes in Delta are less than 30 cfs. Each of the five diversion intakes being proposed by the BDCP are TEN TIMES larger (3,000 cfs) than the largest diversion facility within the Delta, except those at Tracy.
North Delta Water Agency	May 12, 2010	An unlined, surface canal may conflict with reasonable and beneficial use of water as it unnecessarily wastes water to evaporation and seepage which could be avoided if lined or a tunnel pipeline.
North Delta Water Agency	May 12, 2010	Last year's legislation established a state policy of reducing reliance on the Delta to meet future water supply needs through a statewide strategy of investing in improved regional supplies and conservation. Unfortunately, the BDCP Notice of Intent project purpose statement (February 13, 2009) language, "to restore and protect the ability of the SWP and CVP (Projects) to deliver up to full contract amounts," is biased towards increasing overall diversions from the Delta, potentially beyond historic high levels of export, which is in direct conflict with the legislation. The Delta Plan should analyze the capacity of the Projects to deliver full contract quantities in light of the fact that the Projects as originally designed have not been completed, therefore reducing the amount of water originally promised. Either new sources of water supply need to be called for in the Delta Plan or the quantity able to be delivered needs to be modified.
North Delta Water Agency	May 12, 2010	The Delta Plan should make it clear that habitat restoration projects in the Delta implemented through the Delta Conservancy or the BDCP should involve only willing seller landowners.
North Delta Water Agency	May 12, 2010	The BDCP's CEQA/NEPA documents are not being developed or discussed in a public, transparent process. It is important for the Council to provide a public forum to analyze a reasonable range of Delta conveyance size and design, effects on Sacramento River/San Joaquin River flood management, potential effects of each conveyance alternative on Delta water quality, and other CEQA compliance analyses called for in the water legislation passed last year.

Matrix 6 Comments related to Bay Delta Conservation Plan

Association	Date	Comment
North Delta Water Agency	May 12, 2010	We recommend that Council's process include Delta input. It must be recognized that there are no "beneficiaries" in the Delta but that water users in the Delta may be harmed by BDCP actions. These water users need to be made whole. Compensation must include adequate, reliable, and permanent financing mechanisms (i.e. and endowment, annuity, or dedicated stream of revenue), especially for maintenance of habitat properties, neighboring land impacts, and for payment of all local in lieu taxes and assessments due to the local government agencies.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to state its expectation that the BDCP and the EIR/EIS will fully analyze a full range of conveyance alternatives. That needs to specifically include a 3,000 cfs .North Delta intake and tunnel as part of a dual conveyance option for the reasons set forth in Jonas Minton's public testimony to the DSC.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to state its expectation that efforts including BDCP need to look at sequencing of conveyance alternatives.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to state its expectation that political feasibility is a criterion that needs to be factored into the decision on conveyance.
Planning and Conservation League	July 19, 2010	The Interim Plan needs to state its expectation that the BDCP and the EIR/EIS will fully analyze a full range of conveyance alternatives.
Reclamation District 999	May 12, 2010	Section V of the draft Interim Plan Outline ("Build facilities to improve the existing water conveyance system and expand statewide storage ... ") is inconsistent with the language within SB 7x 8...Reference to "building facilities" and "completing the BDCP" are premature at this juncture, especially if the DSC is an independent effort from the BDCP.
Reclamation District 2068	May 12, 2010	Landowners and water users within BDCP Restoration Opportunity Areas should be protected from short-term and long-term "collateral damage" arising from Delta water conveyance infrastructure and habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure "take" authorization for existing, in-Delta activities. Assurances must be flexible and open-ended, and must not shift the risk for changed conditions away from the State of California. To the extent that the implementation of new water conveyance infrastructure or habitat restoration programs results in adverse socio-economic impacts to people, businesses or communities within the northern Delta, such impacts must be fully mitigated.
Reclamation District 2068	May 12, 2010	The Council should consider analyzing a broader range of facility designs, operations, and conveyance capacities than those currently being analyzed by the BDCP. The size of any canal, tunnel and associated intakes should be independently evaluated.
Reclamation District 2068	May 12, 2010	Legislation has established a state policy of reducing reliance on the Delta to meet future water supply needs through a statewide strategy of investing in improved regional supplies and conservation. The BDCP Notice of Intent project purpose statement (February 13, 2009) says, "to restore and protect the ability of the SWP and CVP to deliver up to full contract amounts". This inconsistency needs to be examined in light of the available developed water supply. The Delta Plan should analyze the capacity of the system to deliver full contract amounts in light of the fact that much of the water contracted for export out of the Delta was never developed.
Reclamation District 2068	May 12, 2010	The Delta Plan should make it clear that habitat restoration projects in the Delta done through the Delta Conservancy or the BDCP should be done only with willing seller landowners.

Matrix 6 **Comments related to Bay Delta Conservation Plan**

Association	Date	Comment
Reclamation District 2068	May 12, 2010	One of the ways to eliminate inequities of providing a “Delta Fix” is to adopt enforceable and permanently funded third party mitigations and assurances. Third party protections were provided in the San Joaquin River Settlement...
Reclamation District 2068	May 12, 2010	It must be recognized that there are no “beneficiaries” in the Delta; rather water users in the Delta may be harmed by BDCP actions. These water users, landowners and local governments need to be made whole. Compensation must include adequate, reliable, and permanent financing mechanisms (i.e. an endowment, annuity, or dedicated stream of revenue), especially for maintenance of habitat properties, neighboring land impacts, and for payment of all local in lieu taxes and assessments due to the local government agencies.
Sacramento Regional County Sanitation District	July 2, 2010	Performance measures created through an adaptive management processes tend to provide a better basis to judge whether actions taken to restore the Delta are actually working. The BDCP is currently developing a monitoring and metrics section of the Habitat Conservation Plan. The Interim Plan should explain how Interim Plan measures relate to the BDCP measures.
State & Federal Contractors Water Agency	May 12, 2010	Receive bi-monthly Bay Delta Conservation Plan (BDCP) and Delta Habitat Conservation and Conveyance Program (DHCCP) status reports...The Council's role in these processes is limited to an appellate role in the case of an appeal of the NCCP plan approval by the DFG for the BDCP and a responsible agency role in the case of the DHCCP . As such the Council needs to understand these plans content and how they have been produced, but it should not directly engage in their development.
State & Federal Contractors Water Agency	July 2, 2010	While the Council of course has the responsibility to assess the outcome of the BDCP and the concomitant regulatory requirements developed by the SWRCB against the co-equal goals, it does not have the authority or institutional capacity to insert or substitute itself into these very complex, legally intricate and already transparent public processes. The Council, as it has already begun to do, should receive regular informational briefings regarding the progress of these efforts so that it may provide comment and advice. It should not become yet another forum where contested issues are reargued and debated...The Legislature’s designation of the Council’s unique role in the DHCCP process should not be expanded into assertion of a general role in all activities that will feed into it.
State & Federal Contractors Water Agency	July 2, 2010	Environmental restoration and conservation components of the BDCP will satisfy mitigation and enhancement needs relative to Project operations and endangered species act requirements. Yet, the draft IP seems to imply a more intrusive role for the Council, with use of words such as “develop” and “establish” in the context of policy issues that are not for the Council to resolve but rather are for the Council to provide a clearinghouse for information related to them and an independent review as to whether the developed policies are consistent with the co-equal goals and the Delta Plan.
State & Federal Contractors Water Agency	July 2, 2010	Page 13, “Section 85020(h): Establish a new governance structure...”: Almost by definition, this is not an “early action” and thus shouldn’t be part of the IP. To include this in the IP would be premature as well as a huge diversion from beginning to address more immediate needs that should be the purpose and objective of the IP. This is a topic for the Delta Plan, not the IP. In addition, “new governance” was comprehensively addressed by the legislation itself through establishment of the Council, the Conservancy, and the Water Commission; as well as the revision of the DPC’s composition. Also, BDCP is incorporating a new “governance” structure to oversee its implementation and adaptive management going forward.

Matrix 6 **Comments related to Bay Delta Conservation Plan**

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	Page 15, “framework”: Developing a “delta flow plan” and a “delta ecosystem restoration plan” are beyond the scope of the Council’s mission. The former is part of the BDCP with ultimate authority at the SWRCB. The latter is a combination of the BDCP and Delta County HCPs...the text should clarify the intent...that the Council would receive these products from the appropriate agencies for inclusion in the Delta Plan. With regard to “tool” number 6, it would be helpful for the text to clarify that the Council will not be developing or establishing performance standards but rather, as reflected in the text, a methodology for measuring general progress in the area of improving California’s water supply reliability.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-22: “Section 85020(f)...While the current draft indicates the language for the section will be developed for the second draft, the conveyance issues are being addressed by the BDCP and DHCCP. Other than perhaps recommending the benefits of increased statewide storage (surface and groundwater), the Council’s role in effectuating this policy direction is limited to its “responsible agency” designation for the DHCCP EIR/EIS.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-24, paragraph 5, line 1: “conveyance around the Delta” – should be changed to simply “new Delta conveyance” as it is yet to be determined where or what type of new conveyance will be the preferred project, if any.
State & Federal Contractors Water Agency	July 28, 2010	...it is at least clear that the Council’s required hearing and its appeal authority cannot be used to require more from the BDCP than is required under these governing environmental laws. However, because SBX7-1 is silent on the appeal process and the scope of review if an appeal is lodged pursuant to section 85320(e), analogies to other laws should be used to address this lack of legislative guidance.
State & Federal Contractors Water Agency	July 28, 2010	Starting with the straightest forward of Section 85320(e)’s required elements, holding a hearing or processing an appeal on the question of whether the federal fish agencies have approved the BDCP as a habitat conservation plan pursuant to the federal ESA, would be a meaningless act. From a federal supremacy viewpoint, the federal fisheries agencies have the exclusive authority to determine whether the BDCP constitutes an HCP under the applicable federal laws they administer. The issuance of the HCP and its associated take authority by those federal agencies will be conclusive on all parties as to whether the BDCP has met that condition of Water Code section 85320(e).
State & Federal Contractors Water Agency	July 28, 2010	With respect to CEQA and the DHCCP EIR, as noted above, Section 85322 clearly states that otherwise applicable CEQA requirements are not modified by Sections 85320 and 85321. Thus, the determinations DFG will make are (a) whether all of the topics listed in Water Code section 85320(b)(2)(A) through (G) have been included in the DHCCP EIR and (b) have those topics been adequately addressed within the EIR as required by CEQA and its Guidelines. In making this second determination, DFG will be acting as a responsible agency for the DHCCP EIR, and will have, prior to the time it approves the BDCP as an NCCP, affirmatively, or by operation of law if it fails to timely challenge the EIR, determined that the EIR complies with CEQA’s requirements.
State & Federal Contractors Water Agency	July 28, 2010	...an appeal contending the DHCCP EIR is inadequate under CEQA would not be within the Council’s jurisdiction to decide. ⁶ That task is left to the courts and the Council will be constrained by the dictates of Public Resources Code section 21167.3. Further, the full body of law cannot be interpreted to allow a disgruntled individual or entity to evade the Public Resources Code’s mandatory procedures for challenging the adequacy of an EIR (including its 30-day statute of limitations) by filing an appeal with the council -- particularly in the case of the DHCCP EIR where, with probable certainty, that would result in parallel proceedings, one before the Council and one in the courts, on the same legal and factual issues.

Matrix 6 **Comments related to Bay Delta Conservation Plan**

Association	Date	Comment
State & Federal Contractors Water Agency	July 28, 2010	SFCWA believes that these cases and, in particular, the fact that any appeal to the Council related to the NCCP Act will by definition involve an adjudicatory decision (granting incidental take authority) that is within the exclusive jurisdiction of DFG, lead to only one possible conclusion. Any such appeal should be limited to the question of whether DFG’s decision to enter into the NCCP agreement and grant incidental take authority was an “abuse of discretion” as defined by the California Supreme Court.
State & Federal Contractors Water Agency	July 28, 2010	Finally, the SFCWA does not believe that the subject legislation can be properly interpreted to grant groups or individuals that are dissatisfied with the NCCP and its associated take authorization the ability to choose either an appeal to the courts with a deferential “abuse of discretion” standard of review or to the Council with an asserted “de novo” standard of review. This would be a particularly difficult conclusion to reach when there is no evidence that the Legislature has determined that the Council is better equipped or has more expertise than DFG to make the types of technical, scientific, and policy decisions that the Legislature comprehensively delegated to DFG when it passed the NCCP Act in 1991. Thus, the scope of review upon an appeal to the Council should be no different than would be accorded to a plaintiff/petitioner in the courts.
State & Federal Contractors Water Agency	August 3, 2010	p. 16, lines 11-12: With respect to the reference to the Council’s potential appellate role regarding DFG’s BDCP determinations, we submitted separate detailed comments on this issue in a July 28, 2010 letter, which we incorporate here by reference. While the comments were specifically responding to Sections 23-25 within the Council’s proposed procedures described in Appendix, Section 3, we believe they are applicable to the IP generally as well.
State & Federal Contractors Water Agency	August 3, 2010	p.27, lines 11-12, 17-18: The “tools” 2 and 3 are not within the purview of the Council to engage on as they have been delegated to the SWRCB and BDCP (combined with the Delta Counties’ HCPs) and thus are also not “core responsibilities” of the Council. It is still unclear how the Council sees the information developed under “tools” 2 and 3 would “be required for decision making”. This should be more clearly and explicitly explained and expanded upon.
State & Federal Contractors Water Agency	August 3, 2010	p.29, line 14: change the opening to “All uses of the Delta lands require...” As written the implication is aquatic ecosystem services of the Delta are somehow benefited by “a certain level of flood protection.” The reality is just the opposite – aquatic resources would be far better served by broad land/water interfaces, which was a significant conclusion of the Delta Vision process and is an important component of the Bay-Delta Conservation Plan strategy.

Matrix 7 **Comments related to Finance and Economics**

Association	Date	Comment
Antioch, City of	July 2, 2010	Interim and final Delta Plans should recognize that the economy of the Delta is not just based on agriculture and legacy towns.
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page 10 (paragraphs 1-4): Add text on the economic importance of the western Delta: <i>municipal, industrial and commercial drinking water supply, fishing, boating, marinas, recreation and tourism</i>
California Fisheries and Water Unlimited	May 25, 2010	When evaluating the effects to the economy regarding Council decisions that affect the Bay Delta Estuary, the Council must re-visit the contributions that salmon and steelhead have contributed to the economy of California and the losses to the economy because of water decisions.
Delta Counties Coalition	July 2, 2010	The Interim Delta Plan should support dedicated funding for agencies that are responsible for Plan activities such as the Delta Protection Commission (DPC), the State Water Resources Control Board (SWRCB) and the Department of Fish and Game (DFG) among others.
Delta Counties Coalition	July 30, 2010	The Interim Delta Plan should stress the importance of agricultural economic development, as well as recreation, to the local economy and communities.
East Bay Municipal Utility District	July 28, 2010	The Council should immediately commence work on identifying beneficiaries in the Delta watershed, and analyzing the differential benefits that will accrue to those beneficiaries from the Delta Plan...the Council should begin now to develop a detailed proposal for a funding mechanism that truly reflects the beneficiary pays principle. EBMUD urges the Council to recognize that not all entities within the Delta watershed will receive comparable benefits under the Delta Plan. For example, only a subset of water users will enjoy 50-year operating permits if the BDCP is adopted into the Delta Plan, and this substantial benefit should be reflected in any broad fee schedule.
East Bay Municipal Utility District	July 28, 2010	The Council and the Independent Science Board should also actively review and provide input on the ecosystem restoration elements proposed in the Bay Delta Conservation Plan during the Interim Plan period, including independent review of the science supporting the ecosystem actions, confirming who is responsible for implementation and funding of the proposed actions, and reviewing the-sufficiency of adaptive management. The BDCP proponents are not proposing to pay for the ecosystem elements and the Council should be thinking in advance about how BDCP may be incorporated into the Delta Plan, including financial responsibility aspects.
East Bay Municipal Utility District	July 28, 2010	EBMUD agrees that listing or cataloging current financial information would be helpful, and also suggests a careful analysis of the extent to which various interests in the Delta watershed benefit from the activities covered by the Delta Plan.
Environmental Defense Fund	May 12, 2010	Finance:...For restoration projects and other activities that do provide broad-based benefits and thus warrant public expenditures, Environmental Defense Fund recommends the Council consider assessing a fee based on the volume of water extracted from the Delta and the rivers that feed it.
Resident of Delta	July 25, 2010	#6 Finance Plan. This bullet should be made more definitive. A plan cannot go forward without at a minimum an estimated Finance Plan...Recommend rewording to: The Interim Plan will provide a cost estimate of the projects and efforts included in the plan, indicating the level of confidence in each estimate and date when detailed cost data is anticipated. Anything less would be inadequate.

Matrix 7 **Comments related to Finance and Economics**

Association	Date	Comment
North Delta Water Agency	May 12, 2010	The Delta is being asked to bear burdens of the loss of productive farm land, local taxes, and water quality, however the benefits are accrued by regions outside the Delta. The Delta region is saddled with unmitigated impacts and a disproportionate burden under the BDCP, yet receives none of the benefits. The Delta Plan needs to address and resolve this inequity to avoid further conflict and gridlock.
Planning and Conservation League	July 19, 2010	The Delta Plan needs to identify where the money is going to come from to meet the co-equal goal of protecting, restoring and enhancing the Delta ecosystem. This also relates to the legal requirement that the BDCP Natural Communities Conservation Plan demonstrate assured funding for restoration activities.
Port of West Sacramento	August 2, 2010	Currently, the State of California and US Army Corp of Engineers, is funding a Federally Authorized project designed to improve air quality in Northern California, by reducing truck traffic and increasing the capacity of inland ports like the Port of West Sacramento. The channel deepening project is scheduled to continue in federal fiscal year 2011...Actions proposed in the Interim Plan should carefully analyze impacts on existing funding sources and agency alliances.
Pro-Troll	July 2, 2010	This letter is submitted on behalf of the California fishing and boating industries that are dependent on the Sacramento-San Joaquin Delta for their economic well being and survival. The first draft of the Interim Plan leaves these two industries out of the Plan as interested parties and stakeholders in the definitions of the "Delta as a Place"...We request that the following paragraph be added..."Secondary Delta zones also include the boating and salmon fishing industries. The primary operations of the \$1.4 billion salmon industry occur outside the Delta but are highly dependent on the Delta ecosystem. The Delta itself supports \$378 million in fresh water recreational boating and fishing activity."
Reclamation District 999	May 12, 2010	... the draft Interim Plan Outline ("enhance unique cultural, recreational, and agricultural values ...") should include a cross reference to the Delta Protection Commission's ("DPC") Economic Sustainability Plan being prepared pursuant to Public Resources Code, section 29759. by July 1, 2011. The DSC should collaborate with the DPC so that the content of the Interim Plan supports the DPC's efforts to develop an Economic Sustainability Plan.
Sacramento Regional County Sanitation District	July 2, 2010	There are also significant questions and concerns regarding governance and funding and SRCSD notes that the draft Interim Plan has not satisfactorily addressed our concern regarding inaccurate or incorrect information being carried forward as fact.
Sacramento Regional County Sanitation District	July 2, 2010	...SRCSD is also concerned that the notion of "beneficiary pays" or "proportional funding" for the maintenance of the Council and for all of its planned activities is never mentioned in this Draft Interim Plan. This omission is made more glaring considering the Delta Vision Strategic Plan specifically identifies the need to address a responsible funding system as "required for success of a governance entity" that is predicated on the "beneficiary pays" principle.
Sacramento Regional County Sanitation District	July 19, 2010	SRCSD agrees completely with the statement regarding the necessity of a stable financing structure for being able to achieve the coequal goals (page 7). We appreciate that the Second Draft responds to previous comments related to financing. The three scenarios being developed to initiate analysis of financing options are a good start, but alternative number three is unclear (page 39). This alternative appears to include the concept of beneficiary pays, but...is unclear. Invasive species are a stressor on the ecosystem. How would funding be based on this stressor? Who would it be assigned to? Trying to determine funding based on stressors to the ecosystem will be very difficult. Therefore, this sentence should be deleted and leave alternative number three with the concept that enhanced funding will come from users, specifically those who benefit.

Matrix 7 **Comments related to Finance and Economics**

Association	Date	Comment
Solano County	May 12, 2010	Funding for Delta governance, projects, programs and studies should be a key component of the IDP. Current and long term funding for each segment of the governance structure with linkages to all the legislatively mandated efforts should be included.
Solano County	July 1, 2010	The IDP must take into consideration the impacts of State Water Resource Control Board and Regional Water Quality Control Board actions on Delta water supplies, particularly where habitat restoration efforts will change existing water quality, and ensure full mitigation is available for local governments responsible for enforcing water quality mandates. The IDP should recognize that habitat restoration efforts come at a price that must be identified, addressed and monitored as scientific information becomes available to ensure the State's water quality and quantity are not compromised. Funding must be identified to address these concerns over time to maintain the integrity of the Delta's delicate ecological balance.
Solano County	July 30, 2010	One of the complexities of governing the Delta is a lack of stable financing. The Council must make a compelling case that identifies what is genuinely necessary to both address problems with the Delta's fisheries and requirements for ensuring reliable water quality and supply that are balanced in a way to ensure Delta communities are sustainable...What would it cost to replace this resource? The true needs of the Delta must be accurately quantified, prioritized and broadly communicated.
State & Federal Contractors Water Agency	May 12, 2010	Develop a financing proposal to provide for the administrative costs of the Council.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: Bullet 5 shouldn't be included in the IP since the Delta Protection Commission's (DPC) economic sustainability plan isn't due until a year from now on July 1, 2011. As a result, it should be incorporated into the DP instead.
State & Federal Contractors Water Agency	July 2, 2010	Page 18, "Finance Plan": On the last line of the first paragraph, the text states that various strategies from the Delta Vision Strategic Plan (DVSP) "must be considered in developing the Delta Plan." This could be read to overstate what the Act requires of the Council. Though required to "consider" the strategies in the DVSP, it is not required to choose to utilize them; rather it "may include" them. [§85300] We suggest the language be revised to convey the permissive direction of the legislation rather than implying a mandatory one when it comes to the Council's discretion related to the strategies and recommendations of the DVSP.
State & Federal Contractors Water Agency	July 28, 2010	It is also worth noting that despite defining flows the Board felt could protect public trust resources there was no discussion on the likelihood that such measures, especially without considering the myriad of other factors, would accomplish their underlying biological objectives. To paraphrase the report's language, commitment of flows would be an experiment whose outcome is speculative. However, the massive negative impacts to the State's economy from doing so are not.
West Sacramento, City of	August 2, 2010	Page 7 - 32 ...which means that financing aspects of the legislation will be uncertain. The funding to implement future improvements should not come from local communities, regional agencies, or the state alone. Needed funding should be primarily provided as part of federal and state partnerships that sustainably invest in the Delta region through particular programs and projects. Lack of a stable financing structure may lead to difficulty in achieving the coequal goals.

Matrix 7 **Comments related to Finance and Economics**

Association	Date	Comment
West Sacramento, City of	August 2, 2010	Page 38 12 The Interim Plan can make progress on two important beginning points in a finance plan: (1) beginning 13 to develop accurate and complete information on current finances and (2) initiating discussion of long 14term financing to support activities under the Act. A permanent fund should be established to maintain the needed flood control improvements with the Delta region.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
Antioch, City of	May 12, 2010	The Three-Mile Slough project anticipates a barrier across the Three-Mile Slough. The City of Antioch holds water rights to Sacramento River flow through Three-Mile Slough. What protections, mitigations, and assurances will the Council/Delta Plan provide to ensure the City of Antioch's water rights are not impacted by this project?
Antioch, City of	May 12, 2010	The 2- Gates Project has discussed a possible future barrier across Georgiana Slough. The City of Antioch holds water rights to Georgiana Slough...What protections, mitigations, and assurances will the Council/Delta Plan provide to ensure the City of Antioch's water rights are not impacted by this project?
Antioch, City of	May 12, 2010	How will the Delta Plan and the Delta Stewardship Council ensure that analysis and mitigations for these direct and cumulative impacts to water quality, flow and public resources be provided as stated in the legislation?...What performance or mitigation standards will the Delta Plan require for these projects, during environmental review of these projects?
Antioch, City of	May 12, 2010	How will the forthcoming SWRCB Delta Flow Criteria be considered with respect to the 2-Gates Project, Three Mile Slough Project, and BDCP - or any other projects considered by the Interim Plan?...How will the Council incorporate and apply the Flow Criteria within the Interim Plan and the Delta Plan?
Antioch, City of	July 2, 2010	DSC must include the impact of water exports on the Delta.
Antioch, City of	July 2, 2010	The Interim Plan should expand upon the concepts of relocating Delta drinking water intakes...
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page 20(graphical illustration): Add Antioch's municipal diversion to the map
Association of California Water Agencies	May 12, 2010	...it is imperative that we increase imported water supply above the levels now achievable under the current approach. Real-time, science based management of water supplies should be employed...
Association of California Water Agencies	May 12, 2010	...must significantly accelerate implementation of local water supply resources projects...accelerated implementation of the conservation provisions of the 2009 legislation, more aggressive funding through the federal Title XVI Program...
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Though the plan quotes the water code and provides a brief background into the importance and general physical characteristics of the Delta, it does not include the important historical story about how the Delta has evolved over time. This is crucial, since both Delta and statewide flood management programs historically have taken decades to plan and design. Failing to acknowledge this could lead to false expectations and conflicting prioritization of future planning efforts.
California Department of Water Resources	August 3, 2010	Page 3, Line 15-16 - This statement implies that if the levees were gone the desired mixing of water and land across virtually the entire Delta would occur. It does not recognize the fact that the Delta has been changed irreversibly, and that the tidal marsh of 100 years ago will not return if the levees are removed.
California Department of Water Resources	August 3, 2010	Page 3, Line 28 - While the size of the "other water diversion points: is smaller, the number of diversions (1,800 agricultural diversions) is much greater. According to the Delta Atlas, at peak times, the agricultural diversions can reach 4,000 cfs, nearly 1/2 the capacity of the export pumps.
California Department of Water Resources	August 3, 2010	Page 3, Line 35-38 - Add to this list changes in the direction and seasonality of flow patterns in the Delta and accumulated loss of habitats for food production.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
California Department of Water Resources	August 3, 2010	Pages 8-9 - The theme of California Water Plan Update 2009 is integrated water management and sustainability. The Update 2009 Implementation plan (Volume 1, Chapter7) has 13 objectives and 115-plus related actions that were taken from multiple State government companion plans and initiatives and the 2009 comprehensive water legislation. Objective 7 and its related actions incorporated the recommendations from the Delta Vision Committee's report to the Governor and Legislature, as well as the provisions of Senate Bill X7-1. One of the 12 regional reports (Volume 3) covers the Sacramento San Joaquin River Delta, including Suisun Marsh. Update 2009 also includes nine cross-cutting policy recommendations that can help reduce impediments and leverage existing resources and opportunities for successful implementation - one of which advances the co-equal goals. For the first time, a steering committee was formed representing 21 California State agencies, including the CALFED Bay-Delta Program, and their many subject matter experts. This is widely viewed as a successful first step to integrate water planning at the State level. In addition, a 45-member public advisory committee and nearly 40 regional workshops enhanced the practicality of Update 2009. There was significantly greater involvement of California Native American Tribes, including a first-of-its-kind Tribal Water Summit, as well as coordination with federal agencies. Together, these efforts provided broad participation in plan preparation.
California Department of Water Resources	August 3, 2010	Page 37, Figure 4-1 - Show boundaries of the Primary and secondary Delta zones; label major metropolitan areas/land features e.g.: reservoirs. Should make colors of each category more distinctive separation to distinguish between Land Use types more easily.
Central Delta Water Agency	August 3, 2010	This section should include an explanation that the SWP and CVP promised and the law provides that project diversions be limited to water which is surplus to the present and future needs including environmental needs of the Delta and other areas of origin. That both projects are obligated to fully mitigate their adverse impacts and additionally provide salinity control for the Delta.
Central Delta Water Agency	August 3, 2010	Water supply reliability has declined in major part due to the failure of the SWP to develop as planned by the year 2000 an additional yield of 5 million acre feet per year of surplus water from North Coast rivers to supplement Delta inflow so as to allow the delivery of the 4.25± million acre feet of SWP contract entitlement. The reliability of water supply has been further aggravated by the CVP addition of the San Luis Unit commitments in excess of 1 million acre feet per year without adding carryover storage and without a San Joaquin Valley drain with an outlet for salts to reach the ocean. The resulting degradation of the San Joaquin River has additionally reduced supply due to the need for dilution and reduced opportunity for reuse and reclamation. The SWP and CVP increased dependence on unregulated flow has resulted in violations of water quality standards, increased salinity intrusion into Suisun Bay and the western Delta and reduced flushing flows for the Bay-Delta Estuary.
Central Delta Water Agency	August 3, 2010	SWP and CVP reliance on export of unregulated flow rather than release of stored water carried over from flood years and other periods of above normal precipitation has greatly contributed, if not, caused the present crises for ecosystem health. Restoration focus on Pre-Gold Rush conditions in the estuary rather than Pre-SWP or Pre-CVP and Pre-SWP misses the mark. Ecosystem conditions were relatively good until the late 1960's. This appears to coincide with the commencement of SWP exports from the Delta.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
Central Delta Water Agency	August 3, 2010	Diversions in the Delta impact fish to a lesser extent than the SWP and CVP pumping plants not only because they are grossly smaller in capacity but because they divert a much smaller percentage of the flow from the adjoining channels and in most cases divert from near the bottom of the channels rather than higher in the water column preferred by sensitive fish species.
Central Delta Water Agency	August 3, 2010	Reliability to urban areas in particular should be provided with the addition of desalting facilities for brackish and in some cases ocean water which could provide emergency supplies and supplement water reclamation during other periods.
Coalition for a Sustainable Delta	May 12, 2010	Collection of information on in-Delta diversions and assessment of actions to reduce impacts to aquatic species: Provisions in SB 8 to close the information gap in water reporting, impose fines for failure to report and provide funds for water rights enforcement is a step in the right direction. Information collected can be used to aid near-term efforts to assess impacts to aquatic species and identify appropriate measures to minimize those impacts.
Coalition for a Sustainable Delta	July 2, 2010	Flow criteria for the Delta must be considered within the broader context of habitat needs of multiple species..careful consideration of the habitat needs of at-risk native fish must occur in the context of a broader ecosystem-management based approach to the Delta (CalFed Science Program 2008).
Coalition for a Sustainable Delta	July 19, 2010	Enforcement of existing laws should be the starting point for Council action under the Interim Delta Plan. Without identifying enforcement obligations by various state and federal agencies, it is impossible to determine what new activities should be included in an Interim Delta Plan and final Delta Plan. Enforcement of relevant existing laws is also the logical starting point for actions to achieve the co-equal goals. At a minimum, the Interim Delta Plan should include an enforcement plan that contemplates a report to the Council by state agencies regarding enforcement obligations, activities, and resources. It should also include an analysis by legal counsel regarding enforcement tools, and a plan to implement full enforcement of existing laws under the final Delta Plan.
Contra Costa County	August 3, 2010	Add the following sentence after the first sentence in the second bullet on Page 4...The Delta channels themselves serve as vital infrastructure to get surplus water from the North Delta to the export pumps in the South Delta.
Contra Costa Water District	July 26, 2010	For the Interim Delta Plan to be a credible roadmap, the background descriptions that are included must be accurate. There are a number of errors that should be rectified. For example, the current draft states that peak flows in the Delta occur during the summer. In fact, peak flows occur during winter and spring.
Contra Costa Water District	July 26, 2010	Page 3 - [Text edits related to inflow patterns and historical presence of freshwater prior to Delta channelization and upstream diversions]
Contra Costa Water District	July 26, 2010	Page 3 - [Text edits related to entrainment potential and pumping patterns]
Contra Costa Water District	July 26, 2010	Page 5 - [Text edits historical modifications of flow patterns in the Delta]
Delta Counties Coalition	July 2, 2010	The Interim Delta Plan must take into consideration the impacts of State Water Resource Control Board and Regional Water Quality Control Board actions on Delta water supplies, particularly where habitat restoration efforts will change existing water quality, and ensure full mitigation is available for local governments responsible for enforcing water quality mandates.
Delta Counties Coalition	July 2, 2010	...the Interim Delta Plan must reinforce the obligation of the United States Bureau of Reclamation and the Department of Water Resources, which operate the for the Central Valley Project and State Water Project, to meet salinity standards for water quality within the Delta.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
Delta Counties Coalition	July 30, 2010	The Coalition strongly recommends that the Interim Delta Plan specifically address how the State will reduce reliance on the Delta as a source of water for municipal and agricultural purposes in both the near- and long-term.
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...Provide legislative direction to DWR to separate out specific funds from the IRWMP process and dedicate those funds to the development of recycled water and desalination projects. The funds could be directed to the SWRCB...
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...direct the responsible agency (i.e. SWRCB) to establish a partnership with the U.S. Bureau of Reclamation to use the same competitive grant funding process between the state grants program and the federal Title 16 funding program.
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...Establish a strong partnership with the six federal agencies that executed the "Interim Federal Action Plan for the CA Bay-Delta" on December 22, 2009. Among other things, the federal plan calls for the examination of the funding availability for recycled water projects through the Title 16 program as well as identifying 5 demonstration projects in the Delta.
Delta Diablo Sanitation District	August 2, 2010	...we suggest that the Delta Stewardship Council:...Create a program to study and then implement resource recovery projects with wastewater treatment plants...Those "waste" water flows should not be simply treated at a minimum level to meet discharge standards, but treated to a higher desired level of reuse... Particular focus should be given to diversions that take place in the Delta, then used, then treated and discharged back into the Delta...The other 0.1% of wastewater treatment plant inflow has significant resources available including energy and nutrients such as phosphorus, nitrogen, etc that should be harvested for use rather than disposed of...
East Bay Municipal Utility District	July 28, 2010	We suggest that the Council solicit regular updates or presentations on conservation and water use efficiency during the Interim Plan period to better understand advancements, challenges and outstanding issues, including progress reports on efforts to reduce per capita water use 20% by 2020 as called for by the November 2009 Delta legislative package.
East Bay Municipal Utility District	July 28, 2010	The Council's Interim Plan and Delta Plan should include a principle stating that the proponents of new Delta conveyance should be responsible for an appropriate share of the flows (pg. 28) required for the Delta ecosystem
Environmental Defense Fund	May 12, 2010	Reducing reliance on the Delta: The recent State legislation provides new tools to help California reduce reliance on the Delta for water supply...These provisions, however, require agencies...to work closely with water agencies and farmers to produce tangible results. The Council must provide close oversight to make sure these opportunities are realized and maximized.
Glenn-Colusa Irrigation District	May 12, 2010	The Plan Outline should be reorganized to identify and address Delta Plan priorities to focus on issues, projects, and plans within the legal Delta in the early portions of the Plan, and follow with consideration of other related activities outside the Delta. For example, Item VI (Reduce risks to people ...), should be a high priority of the plan and should be identified as such, compared to Item IV (Promote Statewide conservation), which should be a lower priority. The current draft outline mirrors the ordering in the statute but the [Interim] Plan itself should be reorganized to identify high-priority issues first.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
Glenn-Colusa Irrigation District	May 12, 2010	The Interim Delta Plan should promote regional sustainability as the cornerstone for water management in California, which is an effective mechanism to achieve statewide reliability. However, the Plan should recognize and provide assurances to regions that are currently self sufficient that future efforts to achieve statewide reliability will respect the importance of existing regional sustainability and not preclude these regions from maintaining their self-sufficiency.
Glenn-Colusa Irrigation District	May 12, 2010	There should also be a recognition that achievement of the co-equal goals should not be at the expense of other areas of the State that are currently managing water supplies and environmental resources in a sustainable manner consistent with the co-equal goals. This is particularly true with areas upstream of the Delta, where substantial time and money has been invested in environmental restoration and in dedicating water to environmental uses.
Resident of Delta	July 25, 2010	The plan also needs to address prohibiting transfer of water from farmers to urban developments
Resident of Delta	July 25, 2010	We also need to monitor ground water usage to understand the status of the aquifers and the amount of water used in agriculture from the Delta versus ground water.
Resident of Delta	July 25, 2010	The plan should include what priority meeting Delta water flows will have. The recent scientific report stated, as has been known for years, that the primary stressor for the Delta is water exports. Yet exports continue and are increased. It's all well and good to know what is required for the health of the Delta – what responsibility does the plan have to address and meet the needs.
Resident RD 999	July 1, 2310	LETS BE HONEST HERE. THIS IS ABOUT WATER. THIS IS ABOUT MOVING WATER. MOST OF THE WATER MOVED. THE GREATEST PERCENTAGE OF IT IS FROM SHASTA AND OROVILLE DAMNS. THAT ACTION OF CONVEYANCE. MOVING WATER THROUGH THE DELTA TO PRIMARILY PLACES LIKE WESTLANDS WATER DISTRICT AND METROPOLITAN WATER DISTRICT WAS FORCED UPON PEOPLE IN THE DELTA THE WATER IN THOSE DAMNS PREVIOUSLY CAME DOWN THE RIVER IN THE WINTER OF WHICH OVER 80 PERCENT OF IT WENT INTO THE BYPASS TO PREVENT FLOODING OF OUR STATE CAPITAL AND THE DELTA IF YOU LOOK IN THE SACRAMENTO BEE THIS MORNING YOU WILL SEE THE COMBINED INFLOW INTO THOSE DAMNS TODAY IS JUST OVER 9800 CUBIC FEET PER SECOND THE COMBINED OUTFLOW BECAUSE THEY ARE RUNNING THE PUMPS AT BANKS AND TRACY IS 29588 CUBIC FEET PER SECOND. THAT IS MORE THAN 3 TIMES WHAT THE FLOW OF THE SACRAMENTO RIVER HAS BEEN THIS TIME OF YEAR FOR THE LAST OH LETS SAY THOUSANDS OF YEARS...WE IN THIS DISTRICT NOT ONLY UNDERSTAND WHAT A SLUFF IS BECAUSE WHEN JUDGE WANGER SAYS STOP THE PUMPS AND THE FLOW IN THE RIVER DROPS BY 2/3 RDS WE SEE THE SLUFFS HAPPEN. TO BE GOOD STEWARDS SOMEONE HAS TO BE RESPONSIBLE. I AM LOOKING AT YOU TO MAKE SURE THE APPROPRIATE PEOPLE HAVE CONCEQUENCES FOR THEIR ACTIONS THAT EFFECT THE DELTA.
Northern California Water Association	July 1, 2010	First, there are important legal principles that guide sustainability in the Sacramento Valley and which were confirmed in the legislation. These provisions recognize the ability to use water within the areas, watersheds and counties of origin described in Water Code §85031 and the water right priorities in Water Code sections 85031 and 85032. These protections provide Sacramento Valley water users with the water supply certainty that allows them to participate in programs to improve the Delta ecosystem and enhance water supply reliability in other areas of the state.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
Northern California Water Association	July 1, 2010	Second, entities and individuals throughout the Sacramento Valley have seriously pursued progressive water management over the past several decades to manage water resources in a regionally sustainable manner for the benefit of farms, communities, fish and wildlife...As a result of these measures, water is increasingly managed in an integrated manner throughout the region and overall water use in the Sacramento Valley has not increased during the past 40 years.
North Delta Water Agency	May 12, 2010	Any Delta solution must include guarantees that lands within the North Delta Water Agency will continue to receive both the quantity and quality of water guaranteed under the 1981 Contract.
North Delta Water Agency	May 12, 2010	Any solution must also respect statutory water supply guarantees applicable to other areas of the Delta, including but not limited to the Delta Protection Act...and the area of origin laws...
Planning and Conservation League	July 2, 2010	The Interim Plan needs to state its expectation that the BDCP and the EIR/EIS will fully analyze a full range of conveyance alternatives. That needs to specifically include a 3,000 c.f.s .North Delta intake and tunnel as part of a dual conveyance option for the reasons set forth in Jonas Minton's public testimony to the DSC.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to state its expectation that efforts including BDCP need to look at sequencing of conveyance alternatives.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to state its expectation that political feasibility is a criterion that needs to be factored into the decision on conveyance.
Planning and Conservation League	July 19, 2010	We reiterate the strong recommendation we provided on the First Draft Interim Delta Plan - give guidance on the meaning of "to provide a more reliable water supply for California."
Planning and Conservation League	July 19, 2010	The Interim Plan needs to state its expectation that the BDCP and the EIR/EIS will fully analyze a full range of conveyance alternatives.
Reclamation District 999	May 12, 2010	Section IV of the draft Interim Plan Outline ("Promote statewide water conservation, efficiency ... " is incomplete as it does not include a reference to any actual conservation efforts. Measures to conserve water exported from the Delta should be included in this section of the Interim Plan.
Reclamation District 999	May 12, 2010	The Interim Plan Outline also repeats and overemphasizes the importance of diversion reporting in the Delta.
Reclamation District 999	August 3, 2010	The 2nd Draft ISP inflates the amount of Delta water used for drinking water throughout the state. (2nd Draft ISP, pp. 1,4, referring to "nearly two-thirds of the state's population" and "25 million California residents".) The ISP should use a substantiated figure for the amount of Delta water actually consumed as drinking water (as opposed to agricultural and industrial uses) in the state, rather than relying on imprecise generalizations.
Reclamation District 999	August 3, 2010	One of the statutory goals of the Council is to improve water quality...Part of that task includes careful consideration of pollution flowing into the Delta via the Mud Slough and the San Joaquin River...This fall, the State Water Resources Control Board will consider Basin Plan amendments that would allow continued selenium discharges in excess of Basin Plan Water Quality Objectives...As part of its mandate to improve water quality, the Council should consider inclusion of provisions in the ISP to protect the Delta from such deterioration of water quality standards.
Commenter	April 10, 2010	...I dare to state that only powerful desalination plant(today, over 7,500 desalination plants in operation worldwide) built in the Bay area or other regions can save the Delta from water starvation and agonizing demise, for desalinated, i.e. fresh water can recharge conveyance systems as drought conditions occur and concern over water availability increases.

Matrix 8 Comments related to Water Resources

Association	Date	Comment
Commenter	June 17, 2010	That is why, any statement about would be "Restoration" of the Delta with the help of Peripheral Canal or other constructions under manifested of seasonal and annual runoff deprivation was, is, and will be environmental and economical dangerous fallacy!...I dare to state that only a nuclear powered desalination plant (like used to operate in city of Shevchenko, Mangyshlak Peninsula, Caspian sea, or other areas) built in the Bay area can save the Delta from fresh water starvation and agonizing demise. For it can produce hundreds of thousand cubic meters (or millions of acrefeet) fresh water, that can be used to recharge water conveyance system as drought conditions may occur and concern over water availability increases. Note that today are over 7,500 desalination plants in operation worldwide.
Commenter	August 4, 2010	ADD FIG to : about multi-billion dollars water conveyance planning construction
Sacramento, County of	August 3, 2010	...the draft plan still does not adequately describe specific guidelines and actions...that will result in large-scale water supply reductions and protect water rights priorities. Therefore, Sacramento County strongly recommends that one of the IP's top-tier "early actions" should specially address how reliance on the Delta as source of water for municipal and agricultural purposes will be reduced in both the near- and long-term. Sacramento County has previously gone on record citing the importance of developing realistic and comprehensive policies that set the framework for providing a long-term and reliable water supply in the Delta and protect water rights and areas of origin.
Sacramento Regional County Sanitation District	May 12, 2010	SRCSO recommends that the Interim Delta Plan focus on promoting water recycling projects and helping to secure the associated funding that will be necessary to ensure water recycling becomes a reality. SRCSO recommends two projects for inclusion in the Interim Delta Plan to help achieve the two equal goals: - South Sacramento County Agriculture and Habitat Water Recycling Project and - Cosumnes River Flow Restoration Project
Sacramento County Farm Bureau	August 1, 2010	Page 1...line 24. The Delta is not the source of drinking water for nearly two thirds of the state's population. A more accurate statement would be that nearly two thirds of the state's population gets a portion of its water from the Delta.
Sacramento County Farm Bureau	August 1, 2010	Page 5...lines 32-40. Increased storage and conveyance around the Delta might provide flexibility for a reliable water supply, but it should be recognized that conveyance around the Delta without increased storage may not be consistent with the coequal goals and protection of Delta natural resources, agriculture and recreation values.
Sacramento County Farm Bureau	August 1, 2010	Also in the introduction, page 11 lines 23-30 and in Section IV page 40 lines 4-14, reduced reliance on the Delta should be expanded to include analysis of the current situation and what constitutes success. We feel that this is extremely important because some actions being considered today will solidify dependence on the Delta and could even result in increased dependence over time making it more difficult to accomplish this state policy
Solano County	May 12, 2010	Maintenance of "rule of priority" between and among riparians and appropriators, subject to "rule of reasonable use" and the State's affirmative duty to take the public trust PLUS the County of Origin Protection...Watershed Protection Act ...Protected Areas...and Delta Protection Act...when determining the planning and allocation of water resources.
Solano County	May 12, 2010	Maintenance of the North Delta Water Agency Contract and of Department of Water Resources' "protection facilities" for the Suisun Marsh are among the existing contracts and agreements that need to be included in the IDP.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
Snug Harbor Resorts	August 3, 2010	The map which shows some of the export targets for Delta water could be improved to define which sub-whole sellers purchase from MWD or another Wholeseller; there should also be a clear map or chart showing the breakdown of Delta water export use between residential or urban, agriculture, industrial and thermoelectrical power generation
State & Federal Contractors Water Agency	June 7, 2010	Notwithstanding the clear intent of this language that a statewide approach to increasing regional self-sufficiency is the statutory direction for meeting future water supply needs, some have stated that the legislation establishes a State policy to reduce exports from the Delta. Reduced reliance does not mean absolute reduction. As additional regional supplies are added to meet growth in demands the relative reliance on Delta exports will decrease but the actual level of exports likely will not. Indeed, it is an objective of the Bay Delta Conservation Plan to restore supply lost to recent regulatory actions consistent with the co-equal goals.
State & Federal Contractors Water Agency	June 7, 2010	...the "reduced reliance" language is part of a paragraph focused on statewide investment in regional self-sufficiency. The intent is investment in developing new water supplies and improved water use efficiency at the regional and local level will relieve the burden of increasing demands upon the export projects. Proportional demands relying on export supplies will decrease going forward -- the practical result of increasing population growth and large demands remaining unmet in many years because the volume of exports will continue to be limited by regulatory requirements and hydrologic conditions, thus increasing the proportional dependence on regional self-sufficiency to meet future water supply reliability goals.
State & Federal Contractors Water Agency	June 7, 2010	As Delta Vision concluded, the main point is that the system should be optimized for both ecosystem restoration and improved water supply reliability by better managing diversions throughout the watershed. This determination presaged the similar recommendations made by the recent National Research Council report which also concluded we must undertake a much more sophisticated approach to Delta management.
State & Federal Contractors Water Agency	July 2, 2010	Page 7, bottom, "Background": The Delta is not "the source" of drinking water etc. The source of the water is the Sierra Nevada and the Delta is a conveyance location for that water to the SWP and CVP pumps. The statement that there are "more than a half million residents" needs to specify that that figure reflects both the primary and secondary zones of the Delta. The use of "its flows" is inappropriate.
State & Federal Contractors Water Agency	July 2, 2010	Page 7, bottom, "Background": With regard to the state's agricultural industry, it would be the "flows through the Delta and water exports from the south Delta" that are critical.
State & Federal Contractors Water Agency	July 2, 2010	Page 7, bottom, "Background": For commercial fishing, flows through the Delta are one critical factor. The use of the term "islands" is misplaced with respect to land forms in the Delta. Instead of "islands", we suggest substituting "...and its lands, levees and waterways form important...."
State & Federal Contractors Water Agency	July 2, 2010	Page 8, paragraph starting with "The challenges....": Here and throughout, whenever climate change and sea level rise are mentioned, alteration to hydrology in the Delta watershed should also be mentioned. Use of "along Delta rivers" with regard to the potential for increased flooding is confusing. We suggest "potential for increased flooding along Delta tributaries and within the Delta itself."
State & Federal Contractors Water Agency	July 2, 2010	Page 13, bottom: Whenever referencing §85021 we urge you to quote it exactly rather than paraphrase. Here, key words are missing: "future" related to water supply, and "a statewide strategy of investing in" related to increased regional self-reliance.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	Page 15, “framework”: Developing a “delta flow plan” and a “delta ecosystem restoration plan” are beyond the scope of the Council’s mission. The former is part of the BDCP with ultimate authority at the SWRCB. The latter is a combination of the BDCP and Delta County HCPs...the text should clarify the intent...that the Council would receive these products from the appropriate agencies for inclusion in the Delta Plan. With regard to “tool” number 6, it would be helpful for the text to clarify that the Council will not be developing or establishing performance standards but rather, as reflected in the text, a methodology for measuring general progress in the area of improving California’s water supply reliability.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-18: despite being included as a couple of things to “consider”, the Council does not have the authority or jurisdiction to actually “establish” or “develop” either “regional self-sufficiency standards” nor “statewide and regional strategies to reduce reliance on the Delta in meeting California’s future water supply needs.”...we suggest adding language stating that the Council may seek to become an informational clearinghouse to track progress. Furthermore, the notion that these extremely controversial issues should be a focus of the IP is misplaced, unless it is to develop a monitoring role rather than one that assumes a capability to “develop” standards.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-24, Para 3, line 2: Statement that climate change “could require additional water for the ecosystem” is presumptuous, assumes a static view of the ecosystem and that water supplies would be used to maintain such a static system in the face of climate change. This is well beyond the scope of the Council’s authority or mission. It might be appropriate, in the alternative, to indicate that climate change will add further stress and uncertainty to ecosystem management in the Delta and challenge the practicability of traditional regulatory constraints.
State & Federal Contractors Water Agency	July 2, 2010	App 4, page A-24, paragraph 4: should specifically reference changed hydrology (timing and peaks of flood flows) along with “more...intense storm events.”
State & Federal Contractors Water Agency	July 19, 2010	...the statement on page 40, lines 10-11 that links measuring “statewide [water] diversions” to tracking progress in meeting the policy charge of section 85021 should be made more explicit that the assessment of “statewide diversions” would be intended to establish a baseline multi-year average of SWP/CVP water project deliveries as contemplated by the BDCP into the future rather than a present-day snapshot of “statewide diversions”.
State & Federal Contractors Water Agency	July 19, 2010	On page 1, lines 24-25 (as well as a similar reference on page 4, line 42), the Delta is identified as “the source of drinking water for nearly two-thirds of the state’s population”....this is inconsistent with how state water law defines sources of water, as well as the permits for many diversions based on those rights. For the majority of pertinent diversions, the “Delta” is not the “source” of these waters. Rather, most of the water is diverted under permit upstream in the Sierra Nevada, stored and subsequently released into the Sacramento River system where it flows into and through the Delta and subsequently re-diverted by other facilities. To describe both direct diversions from the Delta and permitted appropriations upstream, we suggest, as an alternative: “Nearly two-thirds of the state’s population relies on the Delta watershed for all or part of its drinking water.” Additionally, for the same reasons as outlined above, the use of “its flows” on line 25 is misleading and should not be used.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	July 28, 2010	The implication, if not the conclusion, is that as we pursue comprehensive solutions, the overall magnitude of today's flows may be adequate to serve public trust resources. Moreover, it is important to acknowledge that the Bay Delta Conservation Plan (BDCP) is a central part of a multi-purpose, comprehensive approach to system restoration and infrastructure investment that the Board indicates is necessary to achieve significant improvements for public trust resources while supporting improved water supply reliability.
State & Federal Contractors Water Agency	July 28, 2010	The much quoted statement "Restoring the environmental variability in the Delta is fundamentally inconsistent with continuing to move large volumes of water through the Delta for export" (emphasis added) clearly leaves open the better option that with improved conveyance that resolves reverse flow and entrainment issues, water supply reliability and sufficiency can be restored concurrent with returning environmental (flow) variability to the Delta. For this reason, as also found by both the Legislature and Delta Vision, improved conveyance remains a key component of fixing the Delta.
State & Federal Contractors Water Agency	July 28, 2010	The Report's recommendations were developed narrowly looking at only outflows thought necessary to protect a few select aquatic species as a stand in for "public trust resources." No feasibility or impact analysis was done and none of the legally required balancing of competing beneficial uses of water was performed or judgment made on serving the overall public interest.
State & Federal Contractors Water Agency	July 28, 2010	It is also worth noting that despite defining flows the Board felt could protect public trust resources there was no discussion on the likelihood that such measures, especially without considering the myriad of other factors, would accomplish their underlying biological objectives. To paraphrase the report's language, commitment of flows would be an experiment whose outcome is speculative. However, the massive negative impacts to the State's economy from doing so are not.
State & Federal Contractors Water Agency	July 28, 2010	As such, flow criteria on the order suggested in the report are not reasonably achievable without devastating California's economic well-being and quality of life. Moreover, even if more dramatic conservation and recycling could somewhat mitigate the economic and social impacts, the effectsof the dedication of the proposed flows on other competing public trust resources would not be similarly mitigated.
State & Federal Contractors Water Agency	July 28, 2010	Upon reviewing the Council's discussion of its DHCCP EIR "scoping" comments, and notwithstanding our May, 26, 2010 communication to you specifically addressing this issue (attached), we remain troubled that the Council is still misinterpreting the scope and intent of Water Code section 85021, added by SBX7-1. Section 85021 declares state policy "to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." Our May letter argued for the Council to interpret section 85021 consistent with the plain meaning of the statutory language.
State & Federal Contractors Water Agency	July 28, 2010	Specifically, there are two key modifiers to section 85021's general statement that reliance on the Delta should be reduced that are often omitted from conversations regarding its meaning. They are: (1) "future"; and (2) "through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." [Emphasis added.] These modifiers make it clear that the water which is being conveyed through and diverted from the Delta to serve existing beneficial uses was not intended to be impacted by this provision. Instead, the statute is directed towards future increases in "water supply needs" and a "statewide investment strategy" to meet them without focusing on the Delta. Any other interpretation would impute to the Legislature intent to strip millions of Californians of the water supplies on which they now rely in complete disregard of the co-equal goals.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	July 28, 2010	Asserting that SBX7-1 requires the further reduction of water supplies currently available to SWP and CVP contractors would eviscerate one of the coequal goals (“providing a more reliable water supply for California”), and thus ignoring the clear contrary legislative directive. It would exacerbate the current unstable reliability of imported water supplies in SFCWA member agencies’ service areas. In addition, trying to insert development of a response to Section 85021 into the BDCP/DHCCP EIR/EIS as a concomitant focus of analysis and a parallel project purpose is unnecessary, impractical and inconsistent with the timely achievement of the coequal goals.
State & Federal Contractors Water Agency	July 28, 2010	The standard approach to statutory interpretation also demonstrates that SBX7-1 did not create a power or duty in the Council with respect to implementation of Section 85021. First, Section 85057.5(b)(1) provides that state regulatory actions are not “covered activities” for purposes of Council jurisdiction. Modifying the Delta diversion rights of the SWP and CVP can only be accomplished by the State Water Resources Control Board pursuant to its regulatory authority over water rights. Second, Section 85057.5(b)(2) states that operation of the SWP and CVP are not covered activities subject to the Council’s review and appellate authority. Finally, Section 85031(d) specifically disclaims any legislative intent to interfere with or impact substantive protections related to water rights. All of these sections demonstrate that the policy statement found in Section 85021, and the statewide investment program to meet future water demands to which it refers, is a distinct and separate program outside the purview of the Council’s authorities. However, the Council can and should play an important role in monitoring progress toward the achievement of Section 85021’s policy goal through activities implemented outside the BDCP/DHCCP process.
State & Federal Contractors Water Agency	August 3, 2010	p. vii, lines 15-17: Any description of the “use” of “Delta water flows” needs to be revised to explicitly state how the Council sees such “use” in its process and under what authorities etc. Generally, we do not believe this issue is within the purview of the Council and should be deferred to the SWRCB’s water quality control planning and water rights processes. This is particularly the case with respect to the recent SWRCB flow criteria report related to protecting public trust resources.
State & Federal Contractors Water Agency	August 3, 2010	p. 1, line 24: The Delta is not the “source” of drinking water as described in the draft. We refer you to our comments on this issue in response to the first draft and in our general comment letter on this draft.
State & Federal Contractors Water Agency	August 3, 2010	p. 1, line 35: just as it is incorrect to say the Delta is the “source” of water for the export projects, it is also incorrect to say there are “exports through the Delta”. Water, diverted in the Sierra Nevada, flows across the Delta to the project pumps. It would be more accurate to say “project pumps in the south Delta export water that has been conveyed across the Delta.” or something like that.
State & Federal Contractors Water Agency	August 3, 2010	p. 2, lines 6-7: instead of “more water must be conserved” it would be more encompassing and accurate to say “water must be used more efficiently” which includes conservation but also many other activities to stretch supplies. On line 7 substitute “ameliorate” for “address” since conservation is not really a strategy to reduce shortages themselves but a way to reduce the impacts of shortages. Insert “improve flexibility in managing” between “and” and “the Delta” as the ability to better manage for the coequal goals will result from being able to better buffer against and manage for shortages through improved WUE. It is also important to articulate that water conserved won’t “address” the Delta ecosystem directly, rather than perpetuate the false presumption that it will.

Matrix 8 **Comments related to Water Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	August 3, 2010	p.2, lines 38-39:...the notion that climate change “will require additional flows to be released from reservoirs to maintain water quality for the ecosystem” presumes conditions and ongoing regulatory standards that are unknowable at this time and ignores other measures that can, and are required by the Delta Reform Act to, be taken to maintain water quality to protect beneficial uses. Instead of “require additional flows” we suggest using “will likely require changes to the regulatory and operating criteria for terminal reservoirs in the Delta watershed.”
State & Federal Contractors Water Agency	August 3, 2010	p.3, lines 36-37: use of “historically high levels of water export...in the last two decades” is questionable and could be read as implicating some level of imbalance in the overall management scheme in the Delta. This statement discounts the fact that all regulatory requirements were being satisfied, historic wet years occurred during this time period, and the Environmental Water Account was implemented to allow for increased exports at certain times while providing protection for fisheries at others, etc. In the context of the paragraph, it would be more appropriate and accurate to simply use “operations of the major South Delta pumps” as one of the causes “in some combination”.
State & Federal Contractors Water Agency	August 3, 2010	p.5, lines 4-11: This entire paragraph is superfluous and too simplistic to boot. It should be deleted. To say improved conveyance between the Sacramento and San Joaquin rivers is confusing. Water is not being conveyed to supplement the San Joaquin River, it is being conveyed to the SWP/CVP project facilities. Also, the original plans for the SWP (which became the CVP) in the early decades of the 20th century included a conveyance facility like a “peripheral canal” as a key component of the overall infrastructure. It didn’t first appear in the 1950s or 1960s as this language implies.
State & Federal Contractors Water Agency	August 3, 2010	p.15, lines 15-28: These first two bullets related to “Delta flows” and the responsibilities of the Department of Water Resources should not be included in the IP as they are actions of other agencies and outside the purview of the Council. The Council should limit itself to monitoring progress on these fronts and receiving informational updates as appropriate.

Matrix 9 **Comments related to Water Quality**

Association	Date	Comment
Antioch, City of	May 12, 2010	Initial modeling for the Bay-Delta Conservation Plan (BDCP) shows potential adverse water quality impacts to the Western Delta. ...Will the environmental reviews of the Three-Mile Slough and 2 Gates Projects require the consideration of the BDCP (such as the movement of X2) in the potential cumulative impacts and vice versa?...How will the BDCP be incorporated into the Delta Plan if the BDCP will result in impacts contrary to the goals and policies of the Delta Plan and its implementing legislation?...Will the Council/Delta Plan require mitigation of these impacts prior to incorporation of the BDCP into the Delta Plan?
Antioch, City of	May 12, 2010	How will the Delta Plan and the Delta Stewardship Council ensure that analysis and mitigations for these direct and cumulative impacts to water quality, flow and public resources be provided as stated in the legislation?...What performance or mitigation standards will the Delta Plan require for these projects, during environmental review of these projects?
Antioch, City of	July 2, 2010	The DSC should accurately describe historical Delta salinity, the causes of these changes and the current state of in-Delta water quality.
Antioch, City of	July 2, 2010	Antioch recommends that the Interim Plan...specify that the Delta was in fact historically fresher, and that the fresh water Delta extended much further to the west than present conditions.
Antioch, City of	July 2, 2010	In-Delta Drinking water quality should be added as a performance measure.
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page A-19 (paragraph 1): Add water exports and diversions as factors affecting water quality
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page A-19 (bullet #5): Suggest changing text from "Prior to construction of today's water supply and flood control facilities, salinities were lower in the winter and spring and higher in the summer and fall" to "Salinity under current flow management operations and Delta configuration is higher in both wet and dry years for almost all months of the year, although the overall range in salinity (difference between maximum and minimum salinity) was higher under historic conditions."
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page A-24 (paragraph 1): Suggest citing the recent report from the Contra Costa Water District indicating the historical extent of freshwater in the western Delta...
Antioch, City of	July 19, 2010	Requested a greater acknowledgement of the historically fresh nature of the western Delta in the Delta Plan.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Though the plan quotes the water code and provides a brief background into the importance and general physical characteristics of the Delta, it does not include the important historical story about how the Delta has evolved over time. This is crucial, since both Delta and statewide flood management programs historically have taken decades to plan and design. Failing to acknowledge this could lead to false expectations and conflicting prioritization of future planning efforts.
California Department of Water Resources	August 3, 2010	Page 3, Line 15-16 - This statement implies that if the levees were gone the desired mixing of water and land across virtually the entire Delta would occur. It does not recognize the fact that the Delta has been changed irreversibly, and that the tidal marsh of 100 years ago will not return if the levees are removed.
Central Delta Water Agency	August 3, 2010	Providing salinity control for the Delta is a major purpose and obligation of both the SWP and CVP. Provision of salinity control and an adequate water supply for the Delta and other areas of origin is promised pre-condition to the export of water from the Delta.

Matrix 9 Comments related to Water Quality

Association	Date	Comment
Coalition for a Sustainable Delta	May 12, 2010	Development of an inter-agency initiative to strengthen enforcement of water quality provisions:..While the data on the direct and indirect effects of contaminants found within the Delta on aquatic organisms that reside in the Delta are limited, the available information strongly suggests that contaminants are a substantive contributor to ecosystem disruption and the decline of pelagic fishes in the Sacramento-San Joaquin Delta (e.g., U.S. Fish and Wildlife Service 1996) and action is warranted. Impacts from stormwater runoff, in-Delta agriculture and wastewater treatment facilities must be considered. Improved modeling to address the fate of contaminants in the Delta would assist in this effort and would provide much needed guidance for an adaptive management approach to addressing contaminants on an ecosystem level. Additionally, the commitment of additional resources to investigate water quality violations and pursue enforcement actions would have positive direct and deterrent effects.
Contra Costa Water District	July 26, 2010	The Council and the Delta Plan should include actions that address the low quality (salinity and other pollutants) of drainage and wastewater into the Delta, including drainage from the San Joaquin River, and commit to actions that will improve water quality in the future. The Council and Plan should commit to ensuring the improvement of the quality of wastewater discharged into the Delta from all sources.
Contra Costa Water District	July 26, 2010	Page 2 - [Text edits related to levels of dissolved organic carbon and salinity]
Delta Counties Coalition	July 2, 2010	The Interim Delta Plan must take into consideration the impacts of State Water Resource Control Board and Regional Water Quality Control Board actions on Delta water supplies, particularly where habitat restoration efforts will change existing water quality, and ensure full mitigation is available for local governments responsible for enforcing water quality mandates.
Delta Counties Coalition	July 2, 2010	...the Interim Delta Plan must reinforce the obligation of the United States Bureau of Reclamation and the Department of Water Resources, which operate the for the Central Valley Project and State Water Project, to meet salinity standards for water quality within the Delta.
East Bay Municipal Utility District	July 28, 2010	EBMUD encourages the Council and the Independent Science Board (ISB) to engage in critical areas of scientific uncertainty regarding water quality impacts (pg. 29). Water quality is a prime example where stakeholders are not in agreement on the effects of point and non-point discharges on the Delta ecosystem, and where the Council and ISB may provide a useful forum for discussing what studies and activities to implement.
North Delta Water Agency	May 12, 2010	Any Delta solution must include guarantees that lands within the North Delta Water Agency will continue to receive both the quantity and quality of water guaranteed under the 1981 Contract.
Sacramento Regional County Sanitation District	July 2, 2010	Appendix II:...Action 3.5.1 under "Strategy 3.5" states: "Require the Central Valley Regional Water Quality Control Board to conduct three actions: " The actions include: "immediately re-evaluate wastewater treatment plan/discharges into Delta waterways and upstream rivers " The Council has no authority to require such action. (Note also that permitting by the Regional Water Board will not be a "covered action" under the Delta Plan...Parenthetically, SRCSD specifically requested in our October 16,2008 comment letter on the Fifth Draft of the Strategic Plan that the phrase " ... are fully protective of human health and ecosystem needs" be replaced with " ... ensure reasonable protection of beneficial uses", as this is consistent with California Water Code.

Matrix 9 **Comments related to Water Quality**

Association	Date	Comment
Sacramento Regional County Sanitation District	July 2, 2010	It would be appropriate to identify Regional Water Board permitting activities as a matter the Council will monitor, but the suggestion that the Council will direct the process is inappropriate. Similarly, the Interim Plan identifies various actions pertaining to water quality that do not reflect an awareness of ongoing activities...The appropriate approach for the Council with respect to these activities is to remain apprised and, as appropriate, make use of the relevant products from these actions in the Delta Plan.
Sacramento Regional County Sanitation District	July 2, 2010	Additionally, requiring the establishment of Total Maximum Daily Load (TMDL) programs for organic carbon and inorganic mercury from tributary watersheds as a near term action is unrealistic and under the Regional Boards jurisdiction.
Sacramento Regional County Sanitation District	July 2, 2010	SRCSO has collaborated with Sacramento Stormwater Quality Partnership since 1991 and formed the Sacramento Coordinated Monitoring Program (CMP)...SRCSO has maintained its support to the CMP and will continue its commitment to developing a regional monitoring program. We encourage the Council to do the same and envision the Council facilitating the development of a regional monitoring program across the multitude of agencies involved with monitoring programs in the Delta.
Sacramento Regional County Sanitation District	July 2, 2010	The statement on page A-19 that "Up to 40,000 metric tons of at least 65 different pollutants enter the Bay annually" is sensational and misleading, and should be deleted. This type of aggregation of mass from a broad list of water quality parameters, which likely includes suspended solids, salinity, organic carbon, nutrients, mercury, other metals, pesticides, etc. is impossible to interpret and therefore should be deleted.
Sacramento Regional County Sanitation District	July 2, 2010	Issue number three on page A-19 states that elevated levels of contaminants adversely affect recreation uses. The basis for this statement is unclear and lacking a citation to a source document. Which contaminants adversely affect recreational use? Which beaches in the Bay-Delta have been closed because of water quality concerns, and how often? Any use of the word impaired should be directly connected to the approved Clean Water Act 303(d) listing of impaired water bodies in the Delta.
Sacramento Regional County Sanitation District	July 2, 2010	Issue number four on page A -19 implies that Delta water quality is controlled by waste discharges, tidal action and water circulation, which is inaccurate. It also fails to mention that water quality is also significantly impacted by river inflows, Delta outflow, and water diversions. As a result, this sentence overstates the effect that waste discharges have on water quality. The figures on page A-20 are an excellent depiction of how Delta inflow can affect water quality in relationship to salinity.
Sacramento Regional County Sanitation District	July 2, 2010	Issue numbers five, six, and seven, regarding salinity may be better addressed as sub issues under salinity. The CV - SALTS initiative should also be included in Appendix V, plans and projects related to Delta water. On page A-19, the statement that small amounts of salt in urban supplies can negatively affect consumer perception should not be used as a benchmark for salinity management in the Delta. Further, the expectations and perceptions of water users should not be considered to be water quality standards.
Sacramento Regional County Sanitation District	July 2, 2010	The notion that salinity levels in wastewater effluent ever make water "unusable" is an over-exaggeration, and should be deleted. Salinity control by wastewater entities is not a feasible, cost effective or energy efficient way to meet salt objectives. The imprecise statement that "slightly higher salinities decrease crop yields" should be clarified or deleted. With the focus on salt levels in the Delta, there should be discussion of the impacts of water project operations, including the proposed peripheral canal and increasing San Joaquin River flows on salt levels, especially in the South Delta.

Matrix 9 **Comments related to Water Quality**

Association	Date	Comment
Sacramento Regional County Sanitation District	July 2, 2010	Issue number eight on page A-20 regarding mercury has partially been addressed due to the Regional Board adoption of the Delta mercury TMDL earlier this year, which should be recognized. Regarding the statements on mercury on Page A-20, we suggest that the Interim Plan recognize that a major concern for increased mercury levels in fish is due to wetland creation and other habitat enhancement projects as proposed under BDCP.
Sacramento Regional County Sanitation District	July 2, 2010	Statements made under Issue number 11 on page A-20 and A-21 regarding organic carbon and the production of carcinogenic byproducts is misleading. Drinking water agencies are required to treat surface water to limit the levels of trihalomethanes in delivered water. The real issue is whether management of organic carbon levels in Delta waters could result in operational cost savings to drinking water agencies. A study by Malcolm Pirnie for the Central Valley Drinking Water Policy Work Group, which is incomplete, may shed some light on this issue.
Sacramento Regional County Sanitation District	July 2, 2010	Issue number 12 regarding nutrients, should include discussion of agricultural discharges in the San Joaquin Valley as a contributor to nutrient levels in the Delta. Nutrient loads do not all originate from "upstream dischargers."
Sacramento Regional County Sanitation District	July 2, 2010	The Interim Plan states that the performance measures and targets will reflect priorities for immediate action in the interim, and none of the listed performance measures are related to immediate actions. Most of the performance measures appear to be simply things that can be counted, only a few are related back to aquatic species, and none relate to environmental relevance. Most importantly ambient water quality concentrations and trends should be included because those water quality concentrations can be compared to standards, and related to the environmental relevance of a particular constituent in terms of beneficial use impacts.
Sacramento Regional County Sanitation District	July 2, 2010	The first and last performance measures are the same, one should be deleted. Does a contaminant precursor mean constituents that can create disinfection by products as part of the drinking water treatment process?
Sacramento Regional County Sanitation District	July 2, 2010	It should be noted that nuisance growths of algae or aquatic plants are clearly related to Delta hydrodynamics, residence times, and temperatures.
Sacramento Regional County Sanitation District	July 2, 2010	The performance measure related to the concentrations of contaminants in urban runoff and agricultural drainage should be modified. The important metric is ambient concentrations, rather than concentrations in sources which may have little effect on ambient levels.
Sacramento Regional County Sanitation District	July 2, 2010	It is unclear how toxicity to aquatic life using standard species and methods would be employed as a performance measure. Results from different tests at different locations using different test organisms and end points over time would be difficult to interpret.
Sacramento Regional County Sanitation District	July 2, 2010	New waterbodies may be added to the Clean Water Act 303(d) list due to exceedences of water quality standards for specific contaminants for that water body. The number of new contaminants added to the 303(d) list is not a good performance measure, since it is more often dependent on changes in standards or adoption of new standards, rather than changes in ambient water quality levels. Reduced numbers of 303(d) listings is a better performance measure.
Sacramento County Farm Bureau	August 1, 2010	Page 5... lines 30-31. The results of increased salinity should be expanded to include degradation of Delta agriculture.
San Joaquin County	July 30, 2010	Analytical Tool for Council Action under the Sacramento-San Joaquin Delta Reform Act of 2009, (Draft Plan, page 27, lines 10-16)...Add "water quality" as a tool. The purpose for "fixing" the Delta is to improve water quality, as stated in Policy Objective "e" (Draft Plan, page 11, lines 14-15) "improve water quality to protect human health and the environment consistent with achieving water quality objective in the Delta."

Matrix 9 Comments related to Water Quality

Association	Date	Comment
San Joaquin County FCWCD	July 2, 2010	Unfortunately, the CVP and SWP have been operated in violation of their permit terms. The Council in its formation of the Delta Plan must obligate the United States Bureau of Reclamation and DWR to take corrective actions to meet the salinity standards in the Delta.
Solano County	July 1, 2010	The IDP must ensure that water quality and quantity are not compromised, but are improved as the result of any changes
Solano County	July 1, 2010	Solano County is especially interested in ensuring that the IDP coordinates efforts to maintain water quality in the Suisun Marsh.
State & Federal Contractors Water Agency	May 12, 2010	Direct the Delta Science Program to review emerging analysis on nutrient and ammonia/ammonium discharges and make appropriate recommendations to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board before the end of the 2010 calendar year
State & Federal Contractors Water Agency	August 3, 2010	p. vii, lines 15-17: Any description of the “use” of “Delta water flows” needs to be revised to explicitly state how the Council sees such “use” in its process and under what authorities etc. Generally, we do not believe this issue is within the purview of the Council and should be deferred to the SWRCB’s water quality control planning and water rights processes. This is particularly the case with respect to the recent SWRCB flow criteria report related to protecting public trust resources.
State & Federal Contractors Water Agency	August 3, 2010	p.2, line 12, line 15: use of the word “Compounds” is confusing in that it can mean so many things. Would “compounds” include sediment? Is it natural substances like mercury or chemical pollutants that result from human activity only? Perhaps there’s a more accurate and encompassing word for the point being made

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
Antioch, City of	May 12, 2010	How will the forthcoming SWRCB Delta Flow Criteria be considered with respect to the 2-Gates Project, Three Mile Slough Project, and BDCP - or any other projects considered by the Interim Plan?...How will the Council incorporate and apply the Flow Criteria within the Interim Plan and the Delta Plan?
Antioch, City of	July 2, 2010	The Delta ecosystem's current degraded state is not "Co-Equal" with Water Supply. The Delta Plan must have a minimum "Do No Harm" policy, which in fact ensures improvement, not further degradation.
Association of California Water Agencies	May 12, 2010	The interim plan should embrace a multi-species/ecosystem approach and significantly expand the management tools used to improve the status of fisheries...including, predation control, mark-select fisheries, management of waste water discharges, broad-based intake screening...
California Department of Fish and Game	May 12, 2010	The DFG recommends that the Delta Stewardship Council consider the CALFED Strategic Plan, Multi-Species Conservation Plan and the Draft Stage 2 Conservation Strategy for the Delta in its decision making process when considering protection of ecological values in the Delta...Restoration and enhancement actions identified through the Delta Vision process and Bay Delta Conservation Planning process should also be considered .
California Department of Fish and Game	August 3, 2010	The DFG recommends that the Delta Stewardship Council consider the CALFED Strategic Plan, Multi-Species Conservation Plan and the Stage 2 Conservation Strategy for the Delta in its decision making process when considering protection of ecological values in the Delta...The ERP is finalizing the Stage 2 Conservation Strategy for the Delta Ecological Management Zone...
California Department of Water Resources	August 3, 2010	Page v, Lines 14-15 - This section refers to "tidal marsh restoration" in Dutch Slough and on Meins Island. The actual restoration will likely be a combination which includes some tidal marsh restoration. Also, Meins Island should be Meins Landing
California Department of Water Resources	August 3, 2010	Page 4, Line 8-13 - Delete "The requirements have..." to the end of this section. These statements do not pertain directly to ecosystem health and should be mentioned in the section on Unreliable Storage and Conveyance.
California Department of Water Resources	August 3, 2010	Page 5, Line 32 - Improve the explanation of ecological benefits. How does downstream storage provide ecosystem benefits? How does one avoid additional flat lining of hydrograph with upstream storage and how do you reduce affects on attraction flows?
California Department of Water Resources	August 3, 2010	Page 27, Line 12 - 3. Delta ecosystem restoration plan and Suisun Marsh Plan
California Department of Water Resources	August 3, 2010	Page 29 - It is unclear from the text how the CALFED ERP is to be used as an analytical tool. The Interim Plan should include a process for identifying the analytical tools to be used for Ecosystem Restoration and a framework for evaluating progress in the form of measurable objectives. Though the ERP includes a long list of milestones, it may also be important to utilize other tools, as the ERP never really used a set of indicators to explain their program and progress to the public. Many questions remain: will the Interim Planning process review the ERP and evaluate/adopt those portions of the plan to include in the current plan? Also, the ERP is for the entire Sacramento/San Joaquin watershed, will the Delta Plan have a nexus with the objectives set down for other regions that affect the Delta? How will the Delta Planning process utilize the existing conceptual models?
California Department of Water Resources	August 3, 2010	Page 29 - Consider including reference to AB360 program objectives of "no net habitat loss" and habitat enhancement in the Delta objective of the program implementing language.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	The Council will also need to recognize that local Delta interests will have a continuing need for habitat mitigation for their own projects to benefit Delta communities, including levee improvements by reclamation districts. With five county Habitat Conservation Plans and the Bay Delta Conservation Plan (BDCP) identifying habitat to be protected under their plans equaling hundreds of thousands of acres, it may create a future deficiency of suitable land for mitigation of future projects to benefit Delta communities. The Delta communities should not be left unable to pursue necessary projects because of lack of available, suitable mitigation habitat, as it will prevent the Delta from "evolving as a place." The Council should think creatively about ways to set aside some habitat developed as pan of large-scale projects. and use it expressly to mitigate for ongoing future local projects.
California Central Valley Flood Control Association	August 3, 2010	First, the plan should emphasize that habitat-related projects should incorporate plants that will help provide bank stability near levees, albeit without encroaching into the clearance area designated by the Corps vegetation policy or impacting channel now characteristics. Second, the Council should actively engage in the discuss ions among various Federal, State and local interests to influence a new, sound policy (variance) for California levees. Additionally, the Council needs to recognize that Corp vegetation policy is only one of dozens of potential federal policy guidelines, such as encroachments and levee penetrations, affecting levees and flood facilities in the Delta and the rest of the Central Valley and develop an appropriate strategy for dealing with these issues.
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Maintain adequate amount of habitat in the Delta for mitigation of future improvement projects that benefit Delta communities
California Fisheries and Water Unlimited	May 25, 2010	There must be swift corrective actions by the Council before we lose the Central Valley salmon fisheries to water development. Salmon must migrate through the Bay Delta Estuary safety to the Pacific Ocean. The losses of endangered salmon and threatened steelhead species at the State Pumps in the Bay Delta Estuary must be swiftly corrected by the Council to prevent further detrimental losses before dams and diversions exterminated the people's Central Valley salmon fisheries...The Council must recommend and require there must be terms and conditions in all water right permits and licenses to provide for additional habitat and protection requirements for endangered spring-run salmon and threatened steelhead species in all waterways that are subject to control by the State Water Board...Dams and diversion controlled by the Federal Energy Regulatory Commission that affect spring-run Chinook salmon and threatened steelhead must be corrected by the Council by requiring the State Water Board to use their enforcement authority under Section 401 of the federal Clean Water Act...The Council must examine, evaluate, and correct water transfers approved by the State Water Board from the Bay Delta Estuary by the CDWR at the State Pumps and by the USBR at the federal pumps.
Central Delta Water Agency	August 3, 2010	The SWP has the obligation to preserve fish and wildlife pursuant to Water Code section 11912. The CVP has the fish and wildlife restoration obligations as per the CVPIA including the P.L. 102-575 section 3406(b)(1) obligation to ensure by the year 2002 natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967 -1991.
Central Delta Water Agency	August 3, 2010	The Delta's role in providing critical habitat for migratory waterfowl ofthe Pacific Flyway should not be overlooked.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
Coalition for a Sustainable Delta	May 12, 2010	A third component of the Interim Delta Plan should be the recognition of the new Delta paradigm. Declines in Delta fish populations are not caused by a single factor. Moreover, those multiple factors affect different fish species in different ways. The Delta must be managed for multiple species and address multiple causes of decline. This new paradigm promotes ecosystem-based management where species are part of a larger system and where the full complement of environmental stressors is considered by management planners. Under this new paradigm, habitat cannot be described only by flows, or by a single measurement such as X2..a more comprehensive approach to Delta sustainability must be pursued by addressing other stressors in the Delta such as increased contaminant loads, changes to the food web and invasive species...
Coalition for a Sustainable Delta	May 12, 2010	Finally, enforcement of existing obligations is a logical starting point for action in the Interim Delta Plan. Ongoing violations of state laws regarding candidate, threatened and endangered species, fully protected species, lake and streambed alterations, water quality and water rights should be addressed.
Coalition for a Sustainable Delta	May 12, 2010	The Interim Delta Plan should be based upon an integrated, science-based conceptual foundation and framework that incorporates an explicit adaptive management program. By connecting the dots between human actions, natural variation, environmental change and resulting biological responses, the conceptual model will enable the Council to identify uncertainties, risks and opportunities for management action; direct monitoring to resolve uncertainties; and plan for different courses of action at different levels of risk depending on how these uncertainties and conditions resolve over time.
Coalition for a Sustainable Delta	May 12, 2010	Over the past several years, a paradigm shift has taken place in the Delta. The paradigm shift is captured most succinctly in two major reports regarding the Delta:...the authors describe a shift from an outdated paradigm that identified pumping associated with water exports from the Delta as “the biggest cause of fish declines in the estuary,” to a new paradigm that identifies pumping as “only one of several causes of fish declines.” (PPIC 2007.)
Coalition for a Sustainable Delta	May 12, 2010	Establishment of a delta smelt hatchery...Construction and operation of a delta smelt hatchery would both facilitate establishment of a refugial population to ensure that there are fish available for restoration should the populations in the wild go extinct and provide a source for supplementation of wild populations should such action be desired. The University of California, Davis, Fish Conservation and Culture Laboratory, largely funded by the California Department of Water Resources, has successfully reared delta smelt through its entire life cycle...Engineering design, planning and environmental compliance, and requisite funds are needed. Consistent with existing federal plans, state agencies should establish a delta smelt hatchery of sufficient size to prevent the loss of genetic diversity. In light of the precarious status of the species, further research should be conducted to evaluate the potential for supplementation of extant wild delta smelt populations.
Coalition for a Sustainable Delta	May 12, 2010	Improved management of hatchery produced salmon and steelhead: To prevent the loss of genetic diversity and fitness in wild salmon and steelhead populations, the Interim Delta Plan should work with federal agencies to implement hatchery reform, including establishing the practices of mass marking, selective harvest of hatchery fish through a mark select program, and the use of weirs to enhance reproductive success of natural origin spring-run Chinook salmon and steelhead. Efforts should also be undertaken to obtain more reliable numbers for natural production and hatchery straying.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
Coalition for a Sustainable Delta	May 12, 2010	Management of striped bass and largemouth bass to reduce predation...consistent with the goals of the Interim Delta Plan, it would be appropriate for the Council to direct the Fish and Game Commission and the Department of Fish and Game to assess options available to manage these predators both on a continuous, Delta-wide basis and through more narrowly tailored measures.
Coalition for a Sustainable Delta	May 12, 2010	Protection and enhancement of existing habitat:...The Interim Work Plan should explicitly identify and incorporate measures to protect and enhance existing Delta habitat. Short-term actions include the identification of physical habitat that supports important biological functions (such as breeding and rearing habitat and migratory corridors) for desired species. Consistent with those determinations, potential restoration and enhancement targets should include flood plain habitat, seasonal shallow water habitat, tidal marsh, enhancement of channel margins, riparian forest and scrub. Potential sites for restoration and enhancement include Sherman Island (Resources Agency 2005), perimeters of Honker and Suisun bays, the Mein's landing Restoration Project in Suisun Bay (Resources Agency 2007), Yolo Bypass, and Cache Slough.
Coalition for a Sustainable Delta	July 19, 2010	Enforcement of existing laws should be the starting point for Council action under the Interim Delta Plan. Without identifying enforcement obligations by various state and federal agencies, it is impossible to determine what new activities should be included in an Interim Delta Plan and final Delta Plan. Enforcement of relevant existing laws is also the logical starting point for actions to achieve the co-equal goals. At a minimum, the Interim Delta Plan should include an enforcement plan that contemplates a report to the Council by state agencies regarding enforcement obligations, activities, and resources. It should also include an analysis by legal counsel regarding enforcement tools, and a plan to implement full enforcement of existing laws under the final Delta Plan.
Contra Costa Water District	July 26, 2010	Page 3 - [Text edits related to entrainment potential and pumping patterns]
Contra Costa Water District	July 26, 2010	Page 4 - [Text edits related to aquatic habitat]
Delta Area Mosquito Control Agencies	June 29, 2010	With respect to the enhancement, development, and restoration of the Delta wetland ecosystem, it is recommended that the Council adopt the policy language approved by the Delta Protection Commission...re: the incorporation of best management practices (BMPs) to minimize mosquitoes. The following policy statement is from DPC's February 25, 2010 Land and Resource Management Plan for the Primary Zone of the Delta (Natural Resource section, page 19, policy P-10): Ensure that design, construction, and management of any flooding program to provide seasonal wildlife and aquatic habitat on agricultural lands, duck club lands and additional seasonal and tidal wetlands, shall incorporate "best management practices" to minimize vectors including mosquito breeding opportunities, and shall be coordinated with the local vector control districts, (each of the four vector control districts in the Delta provides specific wetland/mosquito management criteria to landowners within their district.)

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
Delta Area Mosquito Control Agencies	August 3, 2010	Regarding the policy objectives in Section 85020:(c)...It is recommended that the Interim Plan include the language in Policy 10 (P-10) of the Natural Resources section of the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta, adopted February 25, 2010. P-10 states: Ensure that design, construction, and management of any flooding program to provide seasonal wildlife and aquatic habitat on agricultural lands, duck club lands and additional seasonal and tidal wetlands, shall incorporate "best management practices" to minimize vectors including mosquito breeding opportunities, and shall be coordinated with the local vector control districts, (each of the four vector control districts in the Delta provides specific wetland/mosquito management criteria to landowners within their district.)
Delta Area Mosquito Control Agencies	August 3, 2010	Regarding the policy objectives in Section 85020:(g)...Most mosquito breeding locations in the Delta are a result of man-made aquatic features. Placing future man-made aquatic features away from planned developments, or placing planned developments away from man-made aquatic features will reduce the risk of mosquito infestations in high density human use areas, thus reducing the risk of mosquito-borne diseases being transmitted to humans.
Delta Counties Coalition	July 2, 2010	The Interim Delta Plan must take into consideration the impacts of State Water Resource Control Board and Regional Water Quality Control Board actions on Delta water supplies, particularly where habitat restoration efforts will change existing water quality, and ensure full mitigation is available for local governments responsible for enforcing water quality mandates.
East Bay Municipal Utility District	July 28, 2010	The Two Gates Fish Protection Demonstration Project...is intended to keep Delta smelt away from south Delta pumping; however, it may affect salmonids that migrate through the Delta, including salmon and steelhead that migrate to and from the Mokelumne River. EBMUD requests that the Council recommend and assure full funding of a robust fishery monitoring component to verify whether the project's contemplated benefits are achieved in the field. This should be coupled with a commitment to utilizing those results in an adaptive management process that is clearly described before the project is approved and implemented ..
East Bay Municipal Utility District	July 28, 2010	...the Two Gates Fish Protection Demonstration Project ...must include a substantial fishery monitoring component to verify whether its contemplated benefits are achieved in the field, and then commit to utilizing those results in an adaptive management process that is clearly described before the project is approved and implemented.
East Bay Municipal Utility District	July 28, 2010	The Council and the Independent Science Board should also actively review and provide input on the ecosystem restoration elements proposed in the Bay Delta Conservation Plan during the Interim Plan period, including independent review of the science supporting the ecosystem actions, confirming who is responsible for implementation and funding of the proposed actions, and reviewing the sufficiency of adaptive management. The BDCP proponents are not proposing to pay for the ecosystem elements and the Council should be thinking in advance about how BDCP may be incorporated into the Delta Plan, including financial responsibility aspects.
East Bay Municipal Utility District	July 28, 2010	EBMUD encourages the Council and the Independent Science Board (ISB) to engage in critical areas of scientific uncertainty regarding water quality impacts (pg. 29). Water quality is a prime example where stakeholders are not in agreement on the effects of point and non-point discharges on the Delta ecosystem, and where the Council and ISB may provide a useful forum for discussing what studies and activities to implement.
East Bay Municipal Utility District	July 28, 2010	The Council's Interim Plan and Delta Plan should include a principle stating that the proponents of new Delta conveyance should be responsible for an appropriate share of the flows (pg. 28) required for the Delta ecosystem

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
Environmental Defense Fund	May 12, 2010	Other Stressors: ...The Delta Stewardship Council should play a key role in coordinating the various research efforts and helping to focus recommendations for restoring fish populations while continuing to deliver reliable supplies of water.
Northern California Water Association	July 1, 2010	Second, entities and individuals throughout the Sacramento Valley have seriously pursued progressive water management over the past several decades to manage water resources in a regionally sustainable manner for the benefit of farms, communities, fish and wildlife...As a result of these measures, water is increasingly managed in an integrated manner throughout the region and overall water use in the Sacramento Valley has not increased during the past 40 years.
North Delta Water Agency	May 12, 2010	The Delta Plan should make it clear that habitat restoration projects in the Delta implemented through the Delta Conservancy or the BDCP should involve only willing seller landowners.
North Delta Water Agency	May 12, 2010	Landowners and water users should be protected from short-term and long-term “collateral damage” arising from Delta water conveyance infrastructure and habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure “take” authorization for existing, in-Delta covered activities...Third-party mitigations and assurances must be enforceable and permanently funded. As precedent, third-party protections were provided in the San Joaquin River Settlement.
Planning and Conservation League	July 2, 2010	The Interim Plan needs to discuss the need for assured funding to meet the co-equal goal of protecting, restoring and enhancing the Delta ecosystem.
Planning and Conservation League	July 19, 2010	The Delta Plan needs to identify where the money is going to come from to meet the co-equal goal of protecting, restoring and enhancing the Delta ecosystem. This also relates to the legal requirement that the BDCP Natural Communities Conservation Plan demonstrate assured funding for restoration activities.
Planning and Conservation League	July 19, 2010	Flow criteria are foundational.
Planning and Conservation League	July 19, 2010	Flows have to change to restore the Delta ecosystem.
Resident of Clarksburg	July 19, 2010	Please include the methods intended to include the County habitat and other environmental plans, even when in draft form-thus capturing the hard work of the counties, expert and residents who have worked so hard and long on these plans.
Reclamation District 999	August 3, 2010	Additionally, improved bridges and roads are essential to the physical security of Delta residents and agriculture. Moreover, ecological improvements that can be supported by the community, and demonstration projects for habitat restoration that don't require setback levees, can also meet local needs and improve habitat conditions on the ground. Promotion of these types of infrastructure improvements should be discussed in the ISP.
Sacramento Regional County Sanitation District	July 2, 2010	Performance measures created through an adaptive management processes tend to provide a better basis to judge whether actions taken to restore the Delta are actually working. The BDCP is currently developing a monitoring and metrics section of the Habitat Conservation Plan. The Interim Plan should explain how Interim Plan measures relate to the BDCP measures.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
Sacramento Regional County Sanitation District	August 3, 2010	Many stressors on the Delta have been identified. Better research and management tools are needed to understand how adjustments to different stressors will affect the ecosystem. The March 2009 CalFED Ammonia Workshop independent panel of experts and the National Academy of Science review committee both have recommended that comprehensive ecosystem models be developed...Supporting the development of a comprehensive ecosystem model and information needed to support and validate the model should be a near term action in the Interim Delta Plan.
Sacramento County Farm Bureau	August 1, 2010	In Section IV, page 28 lines 35-38 the Draft Interim Plan states that the SWRCB in conjunction with DFG is required to develop water flows which must include plans to “promote options for new and improved infrastructure relating to the water conveyance in the Delta”. This statement relies on Section 85304 which states “The Delta Plan shall promote options for new and improved infrastructure relating to the water conveyance in the Delta”. Therefore, while the Delta Plan developed by the Delta Stewardship Council must promote additional options for conveyance, the flow standards developed by SWRC and DFG do not. The flow criteria are meant to inform the process not to direct it.
San Joaquin County	July 30, 2010	Policy Objective “c”; “Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.” (Second Draft, page 11, lines 10-11)...It is recommended that the Draft Interim Plan include goals and objectives regarding how the Plan will address wetlands coequally existing with agriculture.
San Joaquin County	July 30, 2010	(Draft Plan, Page 29, lines 1-12) Change the tool “Delta ecosystem restoration plan” to “Delta ecosystem restoration and management plan”. If estuaries, wildlife habitat, and wetlands are going to be artificially developed, then they need to be managed for the life of the project (perpetuity?). The plan should not only identify the process and cost for ecosystem development but should also identify the process and cost of the ecosystem’s management into perpetuity. Management is important to ensure that the ecosystem projects serve their intended purposes and do not adversely impact neighboring lands.
San Joaquin County FCWCD	July 2, 2010	Additionally, planning to meet these coequal goals of the Delta Plan should not consist of burdening the local economies in the Delta by: - Converting prime agricultural farmland in the Delta into habitat mitigation for terrestrial and aquatic species caused by Central Valley Projects (CVP) and State Water Project (SWP) operations. - Flooding of prime agricultural farmland in the Delta due to seepage impacts to adjacent islands. - Publically acquire private property in the Delta. - Create access points to the Delta without adequate funding for additional law enforcement and protections for local landowners.
San Joaquin County FCWCD	July 2, 2010	...Council must ensure that it takes all steps possible to foster the application of sound science for the benefit of the Sacramento-San Joaquin River Delta and estuary. While some scientific work and findings have resulted through CALFED and other processes, fundamental questions remain unanswered. This level of uncertainty makes it difficult to develop solid policy and viable implementation measures necessary to address the problems we face in restoring the Delta. For example, we do not yet know how much water a healthy Delta needs in any given season of any given water year. This is a fundamental question that must be answered before drafting or adopting additional plans.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	May 12, 2010	Develop an accelerated and focused Science Program and adopt near-term priorities for study that can produce results and reduce uncertainty to better inform near-term decision-making. The Council's effort should build on and consolidate the wide array of available science with particular emphasis on examining the relative contribution of all important stressors to the Delta's ecosystem. This effort would be consistent with and complimentary to the National Research Council's (NRC) ongoing efforts to examine stressors in the Delta and its other recommendations resulting from the recent review of the Biological Opinions for the Coordinated Operation of the Central Valley Project and the State Water Project.
State & Federal Contractors Water Agency	May 12, 2010	The Council should direct its Independent Science Board and science program to develop recommendations in at least the following areas: improved modeling (including population and lifecycle models); improved understanding of the effects of nutrient loading; modernizing monitoring and data assessment programs to reflect current Delta conditions; improved techniques for integrative biological analyses of the Delta ecosystem and comparison of management options; and, the potential benefits of reallocating pertinent agency financial and staffing resources...
State & Federal Contractors Water Agency	May 12, 2010	Identification and support for early ecosystem restoration and habitat projects. The Council should provide input to both the Department of Fish and Game (DFG) and Department of Water Resources (DWR)
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DFG to develop a predation and predator reduction plan to be implemented prior to the next salmon migration to improve juvenile salmon survival (including stepped-up anti-poaching programs for all species of concern).
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DFG to develop and immediately implement invasive and non-native species suppression and control programs that would particularly benefit species of concern (e.g. aquatic weeds, clams, boat inspections, etc.).
State & Federal Contractors Water Agency	May 12, 2010	Review and make a recommendation to DFG identifying and prioritizing the top 10 (or more) unscreened diversions in the Delta that should be screened immediately and initiate efforts to do so before the end of the calendar year. DFG should also be urged to complete a total inventory of unscreened diversions within the Delta as it has previously committed to do, before the end of the calendar year.
State & Federal Contractors Water Agency	May 12, 2010	Direct the Delta Science Program to review the merits and make a recommendation to the National Marine Fisheries Service (NMFS) regarding implementation of a mark-select fish management program for California salmon.
State & Federal Contractors Water Agency	May 12, 2010	Direct the Delta Science Program to review the merits and make a recommendation to NMFS and DFG to improve its protocols related to its determination of acceptable recreational and commercial harvest of salmon in the broader context of the entire watershed, ocean conditions, and the proportional impact to species viability from the take of adults versus entrainment of juveniles.
State & Federal Contractors Water Agency	July 2, 2010	Page 8, 2nd bullet at the bottom: The citation to §85084.5 as authority for the proposed early action to "coordinate with and support the DFG in developing flow criteria" misstates the law...There is no role for, or the need for, the Council to "coordinate and support" in this area. Again, receiving information and monitoring DFG's development of its recommendations is certainly appropriate, but "coordinate with and support" implies a more active engagement which we believe is beyond the Council's scope of authority.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	July 2, 2010	Page 9, third check mark under “Performance Measures and Targets”: “development and acceptance of flow criteria developed by DFG and SWRCB” is inappropriate. The Council does not have authority to “develop” nor “accept” these as they are the sole responsibility of DFG and the SWRCB and are to inform BDCP operational discussions as well as the SWRCB Water Quality Control Plan (WQCP) and water rights decisions that will need to follow. This should be changed to “Monitor and receive information regarding flow criteria developed by DFG and SWRCB.”
State & Federal Contractors Water Agency	July 2, 2010	Page 15, “framework”: Developing a “delta flow plan” and a “delta ecosystem restoration plan” are beyond the scope of the Council’s mission. The former is part of the BDCP with ultimate authority at the SWRCB. The latter is a combination of the BDCP and Delta County HCPs...the text should clarify the intent...that the Council would receive these products from the appropriate agencies for inclusion in the Delta Plan. With regard to “tool” number 6, it would be helpful for the text to clarify that the Council will not be developing or establishing performance standards but rather, as reflected in the text, a methodology for measuring general progress in the area of improving California’s water supply reliability.
State & Federal Contractors Water Agency	July 2, 2010	Page 15, “Delta Water Flow Plan”: This is written as if the Council will be developing a “Delta Flow Plan”...it would be helpful for the text to state explicitly that what is contemplated is the incorporation into the Delta Plan of the operational and flow requirements established via the BDCP permit conditions and the subsequent related SWRCB WQCP and water rights decision(s), which will ultimately address diversions in, upstream and from the Delta. It is also particularly important to acknowledge that the SWRCB’s flow criteria are being developed as informational only and do not reflect the required balancing of beneficial uses of water required as integral to a WQCP -- not to mention analysis relative to consistency with the co-equal goals.
State & Federal Contractors Water Agency	July 2, 2010	Page 16, top: Ecosystem restoration activities promoted by the Council should only be proffered as and if they are complementary to and supplemental of those in the BDCP and Delta County HCPs. After “Interim Plan” on the 2nd line of the page, we suggest adding: “that complement and/or supplement the BDCP and Delta Counties’ HCPs.”
State & Federal Contractors Water Agency	July 19, 2010	The description of the “Delta water flows” tool, as part of the IP’s seven “Analytical Tools for Council Action”, needs to be significantly revised. The IP’s description references the flow criteria to be developed by the SWRCB this summer and those to be recommended by the Department of Fish and Game (DFG) before the end of the year. These “flow criteria” are identified as a “tool” to help the Council as part of the “framework” development of the IP. Considering these flow criteria, which do not reflect a legally required balancing among beneficial uses (including meeting the water supply reliability component of the coequal goals), would be improper as a “tool” because these criteria are simply informative and will not equate to the actual flow objectives to be adopted by the SWRCB through a water quality planning proceeding balancing competing beneficial uses of water. It is these objectives that ultimately will shape the water management regime within which the Delta Plan will be implemented.

Matrix 10 **Comments related to Ecosystem Resources**

Association	Date	Comment
State & Federal Contractors Water Agency	July 19, 2010	Before a revised water quality control plan is adopted, the Council should limit itself to utilizing the current regulatory regime of the Board's water quality control plan, including conditions imposed by the Biological Opinions for the State Water Project (SWP) and the federal Central Valley Project (CVP), or as they may be modified, as the "tool" to inform its deliberations when appropriate. The issue of "flow criteria" is not a "core responsibilit[y]" of the Council. It is an issue that will inform the Council's deliberations, but the Council itself does not have a deliberative role related to their development. Delta flows and water management regulation are within the purview of the SWRCB.
State & Federal Contractors Water Agency	August 3, 2010	p.5, line 12-13: The first sentence implies that there are no anadromous "attraction" flows today, that is not the case and the sentence should be revised. We suggest, "Some development of water resources facilities to improve water conservation and flood management have partially modulated downstream flows during storm events that cue or attract upstream migration by anadromous fish." Also, substitute "provide" for "provided" on line 13.
State & Federal Contractors Water Agency	August 3, 2010	p.5, lines 23-24: assertion that X2 is "to be protective of the ecosystem" is subject to debate and here it's stated as fact. We suggest simply substituting "to meet regulatory requirements" for all the verbiage in the sentence after "Delta".
Suisun Resources Conservation District	July 30, 2010	SRCD believes that there should be a better description in the Interim Plan of the Suisun Marsh's current wetland and wildlife resource, linkages to Delta water quality (salinity), and aquatic and terrestrial ecological processes of the Delta Region.
Suisun Resources Conservation District	July 30, 2010	These values are protected under the following Legislation, Policies and Regulations, please consider them during the development of the Delta Plan: - The Suisun Marsh Preservation Act of 1977 - The San Francisco Bay Conservation and Development Commission – Suisun Marsh Protection Plan - The Solano County Policies and Regulations Governing the Suisun Marsh - The Suisun Resource Conservation District's Suisun Marsh Management Program, including Suisun Marsh levee specifications. - The Draft Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIR/EIS...- The Central Valley Joint Venture 2006 Implementation Plan – Suisun Marsh Basin
Suisun Resources Conservation District	July 30, 2010	Early actions that SRCD believes should be included in the Interim Plan. - Support the timely completion of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIR/EIS. - The support of the tidal restoration of the following areas in the Suisun Marsh: DWR's Mien's Landing parcel, the DFG Hill Slough east and west, and the Solano Land Trust's - Rush Ranch Brood Pond. - Support the continued operation, enhancement and restoration of diked managed wetland in the Suisun Marsh
West Sacramento, City of	August 2, 2010	Several recent proposals have been made that are of serious concern to the City: The first is the multitude of plans to install habitat and other mitigation projects within the Yolo Bypass. Vegetation along a floodway influences hydraulics and reduces water velocity.
West Sacramento, City of	August 2, 2010	Page 28 - In determining what science is the "best available" it will be imperative to strongly consider the practical expertise of the engineering professionals, local agencies and individuals that have practiced in the Delta for decades and have a solid understanding of both the controlling technical principles as well as the site-specific contexts. Modeling and scientific assumptions should be made available to the public as early in the process as possible. Transparency will enable the public to follow and review the technical basis for decisions, and the DSC will benefit from enabling third-parties to provide substantive critiques and appropriate scientific review.

Matrix 11 **Comments related to the Delta Communities**

Association	Date	Comment
Antioch, City of	July 2, 2010	Interim and final Delta Plans should recognize that the economy of the Delta is not just based on agriculture and legacy towns.
Antioch, City of	July 2, 2010	...the following specific changes are suggested to the Interim Plan: Page 10 (paragraphs 1-4): Add text on the economic importance of the western Delta: <i>municipal, industrial and commercial drinking water supply, fishing, boating, marinas, recreation and tourism</i>
Antioch, City of	July 19, 2010	The City of Antioch requested the addition of their intake to the map and discussion of existing conditions in the Delta
Resident of Clarksburg	April 7, 2010	The original [Delta Protection Commission Land Use and Resources Management Plan] Management Plan was written in 1994 and implemented the Delta Protection Act of 1992 (the "Act"). After the successful appeals (levees, densities, buffers and land use) by Concerned Citizens of Clarksburg and NRDC to the DPC in 2007, the Chair of the Commission determined a need to rewrite the Plan and began the process. Altered language contained in the revised Plan could nullify the 2007 appeal and is inconsistent with the Act...The revised Plan was adopted by the Commission on March 27, 2010...I request that your Counsel legally review the changes made to the 1994 Plan and whether the revised Plan, adopted on March 27, 2010 is consistent with the Act, legislative mandates and your mission. The 1994 Land Use and Resource Management Plan was written in conformance with the Act. <u>Substantial changes to the Act and its "Plan" must be justified. made consistent and NOT be used to undermine your Council's work.</u>
Resident of Clarksburg	April 7, 2010	LAND USE POLICIES #11A, #11B and AG POLICY #6. These new clustering and transfer of development rights (TDR's) policies weaken the policies of the Delta Protection Commission and are in conflict with the Act. They could allow substantial residential development anywhere in the Primary Zone.
Resident of Clarksburg	April 7, 2010	LAND USE POLICY #3 - This proposed policy will eliminate a DPC buffer policy that is specifically designed to protect the agricultural resources in the Primary Zone at the intended higher degree of protection than other farming areas in the five counties. The proposed new policy turns any buffer decisions regarding land use changes back to the individual counties.
Resident of Clarksburg	April 7, 2010	Many policies have been changed from the 1994 SHALL (mandatory) to SUBJECTIVE LANGUAGE (discretionary).
Resident of Clarksburg	April 7, 2010	The reference to January 1, 1992 (the "Ad") established a baseline for development and density in the Primary Zone of the California Delta. This date has been consistently deleted from many of the modified policies, eliminating an important control on Primary Zone development.
California Department of Water Resources	August 3, 2010	Page 29, Line 22 - Delete the phrase "and now used by DWR and others." The classification system referred to in the text is different from the one indicated on Table 4-1. The system shown in Table 4-1 is similar to DWR's classifications, but differs.
California Department of Water Resources	August 3, 2010	Page 29, Line 28-30 - Delete the section beginning with "Specifically, the DWR..." as there are no actions within the Department to establish a criteria for legacy towns.
California Department of Water Resources	August 3, 2010	Page 29, Line 33 - Replace "DWR has expressed specific interest in" with "there is a need for." While not excluding legacy towns, the FloodSAFE efforts are now focused on protection of urban areas (areas with 10,000 people) and urbanizing areas (areas that will have 10,000 people within 10 years). There is a recognized need for improved flood protection for legacy towns; however, the Department is not actively developing methods to achieve this improved protection.

Matrix 11 **Comments related to the Delta Communities**

Association	Date	Comment
California Department of Transportation	August 2, 2010	Page 18, 85225...If is not clear if a highway construction and/or major rehabilitation project is included in a “covered action.” It would be helpful to clearly articulate what the “covered actions” are and give examples. If Caltrans highway work is included, then it appears that Caltrans would need to prepare a written certification of consistency with detailed findings as to whether the “covered action” is consistent with the Delta Plan and submit the certification to the council. Is this a correct assumption?
California Department of Transportation	August 2, 2010	Page 18, 85225.5...it would be helpful to clearly articulate what the covered actions are and to give examples.
California Department of Transportation	August 2, 2010	Page 18, 85300(a)...The plan should include a jurisdiction map that clearly shows what highways and roads are covered under this plan.
California Department of Transportation	August 2, 2010	Page 19, 85306...Regarding the “nonproject levees,” it appears this might include highway construction and maintenance work. This should be clarified. Also, how far “outside of the Delta” can the Delta Plan identify actions to be taken or is this irrelevant as long as there is a nexus pertaining to the project and flood risks in the Delta? Also, the council’s consultation with Caltrans regarding climate change and sea level rise on the three highways that cross the Delta, as noted in the paragraph above, could lead to significant highway construction work/requirements and costs such as extraordinary elevation of future capacity projects for route 12 and other highways.
California Department of Transportation	August 2, 2010	Page 25, 3rd Paragraph...A clear definition and examples of what constitutes “covered action” should be provided. This paragraph will apparently require Caltrans to contact the Council for approving or undertaking a project that is a covered action. Does this include routine maintenance, major maintenance, and/or construction projects on the highways crossing the Delta?
California Department of Transportation	August 2, 2010	Caltrans should continue to be consulted as a state agency in order to inform our System Planning work, coordinate with the Delta Stewardship Council, and provide input on the highway protection strategies.
California Department of Transportation	August 2, 2010	Sacramento County and Sacramento Area Council of Governments should be consulted as agencies with land use approval authority or Blueprint plans for what development should occur in the Delta region as well as emergency response issues for Sacramento County communities.
California Department of Transportation	August 2, 2010	Coordination should occur between the Delta Stewardship Council and the local, regional, and state agencies carrying out the State Route (SR) 12 Comprehensive Corridor Evaluation and Corridor Management Plan, and the SR 12 Corridor Advisory Committee (CAC).
Delta Counties Coalition	July 2, 2010	The Coalition urges the Council to integrate the Delta Protection Commission Land Use and Resource Management Plan (RMP) into the Interim Delta Plan given its status as the only comprehensive land use document covering the entire Primary Zone of the Delta.
Delta Counties Coalition	July 30, 2010	The Interim Delta Plan should stress the importance of agricultural economic development, as well as recreation, to the local economy and communities.
Delta Counties Coalition	July 30, 2010	...the Coalition strongly encourages the Council to integrate the latest draft of the Delta Protection Commission’s Land Use and Resource Management Plan.
Delta Protection Commission	May 10, 2010	...it is paramount that the Commission’s Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) serve as a basis from which to build upon for the development of both an interim as well as final Delta Plan for the Delta.

Matrix 11 **Comments related to the Delta Communities**

Association	Date	Comment
Glenn-Colusa Irrigation District	May 12, 2010	The Delta Protection Commission's resources management plan should become a part of the Interim Delta Plan.
Resident of Delta	July 25, 2010	A primary concern of South Delta residents is that many plans have no consideration for travel in the Delta and, in particular, the Two-Gates project would cut Discovery Bay off from the rest of the Delta.
Port of West Sacramento	August 2, 2010	Currently, the State of California and US Army Corp of Engineers, is funding a Federally Authorized project designed to improve air quality in Northern California, by reducing truck traffic and increasing the capacity of inland ports like the Port of West Sacramento. The channel deepening project is scheduled to continue in federal fiscal year 2011...Actions proposed in the Interim Plan should carefully analyze impacts on existing funding sources and agency alliances.
Resident of Clarksburg	July 19, 2010	Be sure to include sections from the Delta Protection Commission as will be required in the Delta Plan.
Resident of Clarksburg	July 19, 2010	Please include recommendations to avoid, reduce and mitigate impacts on the cultural and agricultural values of the Delta (this implies researching and stating those values after hearing them from the Delta residents).
Resident of Clarksburg	July 19, 2010	Include specific methods to address and respond to Delta community concerns regarding all proposed habitat plan development and implementation.
Resident of Clarksburg	July 19, 2010	Provide plans to coordinate with the plans of all local government units in the Delta.
Reclamation District No. 830	May 14, 2010	The Land Use and Resource Management Plan for the Primary Zone of the Delta identifies the values and trends that have the potential to influence the protection, preservation and enhancement of the valuable resources of the Delta. It is important that the Management Plan serve as a basis for developing an interim, as well as a final Delta Plan.
Reclamation District 999	May 12, 2010	... the draft Interim Plan Outline ("enhance unique cultural, recreational, and agricultural values ...") should include a cross reference to the Delta Protection Commission's ("DPC") Economic Sustainability Plan being prepared pursuant to Public Resources Code, section 29759. by July 1, 2011. The DSC should collaborate with the DPC so that the content of the Interim Plan supports the DPC's efforts to develop an Economic Sustainability Plan.
Reclamation District 999	July 2, 2010	The IP should rely more on the existing Delta Protection Commission's Draft Land Use and Resource Management Plan for the Primary Zone of the Delta ("RMP"), adopted in February 2010.
Reclamation District 999	August 3, 2010	Additionally, improved bridges and roads are essential to the physical security of Delta residents and agriculture. Moreover, ecological improvements that can be supported by the community, and demonstration projects for habitat restoration that don't require setback levees, can also meet local needs and improve habitat conditions on the ground. Promotion of these types of infrastructure improvements should be discussed in the ISP.
Reclamation District 2068	May 12, 2010	The Delta alone is being asked to bear significant and disproportionate burdens including the loss of productive farm land, local taxes and assessments, increased regulatory compliance pressures and water quality impacts; however, the benefits accrue to regions outside the Delta.
Sacramento, County of	July 1, 2010	...rather than developing a set of guidelines that focus solely on Delta Vision's objectives, Sacramento County recommends that the DSC consider and include existing policies and actions found in the Delta Protection Commission's recently revised Resource Management Plan (RMP), adopted on February 25, 2010. In doing so, the IP would include a hybrid set of land use and water management "guidelines" distilled from both plans, with an emphasis on land use authority and water rights protections...

Matrix 11 **Comments related to the Delta Communities**

Association	Date	Comment
Sacramento, County of	August 3, 2010	...local land use projects meeting the "covered action" definition would essentially be subject to oversight by the DSC (via the consistency findings requirement). This is especially troubling to Sacramento County. Land use policy and regulation in California, with a few exceptions (e.g., Coastal Zone requirements), have long been under the exclusive purview of local governments. In accordance with the 1992 Delta Protection Act, land use review and appeal authority currently rests with Delta Protection Commission...
Sacramento Regional County Sanitation District	July 2, 2010	We recommend that the Interim Plan be much more focused on facilitation of near term measures that can be accomplished while the Delta Plan is being developed, such as emergency preparedness, promoting regional sustainability, incorporating the Delta Protection Commissions Resource Management Plan, assisting the Department of Water Resources conservation and efficiency targets for water consumption, assisting existing restoration efforts and those projects identified by the legislation in Water Code section 85085.
San Joaquin County	July 30, 2010	Policy Objective "b"; "Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place." (Second Draft, page 11, lines 8-9) - It is recommended that the Interim Plan provide more guidance and meaning to Policy Objective "b".
San Joaquin County	July 30, 2010	Secondary Zone of the Delta...It is recommended that Projects in the secondary zone should not be subject to the same scrutiny as projects in the primary zone. Projects in the secondary zone should be referred to the DSC for review and comment but should not require findings of consistency.
San Joaquin County	July 30, 2010	Analytical Tool for Council Action under the Sacramento-San Joaquin Delta Reform Act of 2009, (Draft Plan, page 27, lines 10-16)...Include an "Economic Development Plan" as a tool. This is consistent with the Policy Objective "b" (Draft Plan, Page 11, lines 8-9) of "Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place." The Plan deals with improving the ecosystem greatly. What about the people living and working in the Delta? Shouldn't the plan also deal with their well-being?
Solano County	July 1, 2010	Lastly, it will be important for the Delta Stewardship Council to define and market the Delta's benefit to the State, perhaps creating a "master narrative" that emphasizes how investing in the sustainability of Delta water quality, quantity and its physical and human infrastructure will benefit California and ultimately the nation.
State & Federal Contractors Water Agency	May 12, 2010	An initial review and comment on the Delta Protection Commission's Land Use and Resource Management Plan as to its consistency with achieving the co-equal goals.
State & Federal Contractors Water Agency	July 2, 2010	Page 4, bullets: The sixth bullet describes the DPC's development of its "delta as place" proposals as if the Council is to do it. The Council is to review the DPC's recommendations, once completed, for consistency with the Delta Plan and achieving the co-equal goals. This sixth bullet should clarify the Council's role in distinction to that of the DPC.
West Sacramento, City of	August 2, 2010	We are concerned that the Interim Plan's processes and potential impacts on local agencies are not adequately specified. Additionally, we can find little to distinguish treatment of areas in the secondary zone from those in the primary zone within the current Second Draft.
West Sacramento, City of	August 2, 2010	The lack of specific distinction between place-types within the secondary zone or even between the secondary and primary zones leads to fear that the Delta Stewardship Council and the Delta Plan could encroach on our land use prerogatives; change or delay our critical flood protection programs; disrupt essential agency alliances; and impede our ability to meet and advance state and regional objectives for air quality, affordable housing, and greenhouse gas emissions.

Matrix 11 **Comments related to the Delta Communities**

Association	Date	Comment
West Sacramento, City of	August 2, 2010	We suggest that language be included that exempts projects in the secondary zone from land use scrutiny from the DSC.
West Sacramento, City of	August 2, 2010	Reexamine the Secondary Zone (policy obj. (a), (9) and (h)). In addition to language that could better identify authoritative distinctions and exclusions between the secondary and the primary zones, the Second Draft needs to better respond to the diversity of Delta communities and the diversity of impacts they generate.
West Sacramento, City of	August 2, 2010	The Interim Plan should not impede responsible secondary zone communities and carefully examine the secondary zone to determine which portions, if any, should be added to the primary zone and which portions should be deleted, or at least significantly restricted from DSC jurisdiction.
West Sacramento, City of	August 2, 2010	Finally, the Delta legislation contemplated that the metropolitan planning organizations would have adopted sustainable communities' strategies (or alternative planning scenarios) on a timeframe coincident with the adoption of the Delta Plan...This Interim Plan should account for that timeframe so that West Sacramento and similarly situated communities are not subject to strict Council review that was not contemplated by the Legislature during the period that the Interim Plan is in force.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 17 - There is not a FEMA 200-year standard.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 17 - Delta Levee Classifications references as FEMA 200- yr levee. This is a proposed levee standard, based on DWR's Interim Levee Design Criteria for protecting large urban areas. This is not a current FEMA standard. This table needs to be revisited in consultation with DWR, FEMA, and the USACE. A larger, more extensive levee classification table was used in some of the Delta Blue Ribbon Task force work and could be used as a starting point.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 17 - Water Code section 85309 does not relate to levees.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page 22 - By extension to the DSC's upstream focus, this could impact FloodSAFE programs throughout the Central Valley. Many of the current FloodSAFE programs have tight legislative deadlines. As worded, the DSC claims that the only projects exempted are described within SBX7 1.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-25 - This section focuses on levee failures. The annual high water / high wind events in the Delta have required local reclamation districts to enact emergency levee patrols and flood fights to also address levee overtopping issues. References to "potential failures" could be changed to "failures and overtopping"
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-26 - The performance measures focused on "deep floodplains" within the Interim Plan use 10 feet as the target depth. DWR is about to release a legislative mandated flood risk notification flier to over 375,000 property owners in the Central Valley at the cost of nearly \$0.5M that is using the FEMA standard 3 feet of inundation depth as a criteria to establish "deep floodplains". Areas with less than 3 feet of flooding depth are traditionally referred to as shallow flooding areas. Although much of the Delta would be subjected to potential classification as a deep floodplain, that is in fact what the Delta is. DSC should work collaboratively with FEMA, the USACE, and DWR to establish a consistent standard inundation depth, so as not to conflict with other pre-existing legislated requirements.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-27 - We have a good understanding of the forces that cause Delta levees to fail. Recommend that the phrase "and other causes not yet well understood" be replaced with "and seismic events." And the last sentence regarding Jones Tract be removed.
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-54 - Add Central Valley Flood Protection Board and San Joaquin Area Flood Control
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-56 - Include Central Valley Flood Protection Board
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-73: Add Central Valley Flood Protection Board
California Department of Water Resources	July 2, 2010	Correct factual errors and ambiguous or unclear language: Page A-73 - Change to Central Valley Flood Protection Board
California Department of Water Resources	July 2, 2010	Role of Flood Management Activities - DWR's Division of Flood Management and FloodSAFE programs look forward to working with the Council to more fully incorporate flood management issues in the Interim Plan.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
California Department of Water Resources	August 3, 2010	Page 6, Lines 26 and 27 - Delete this sentence or else explain how the Delta relies on levees, bypasses, and dams in upstream watershed.
California Department of Water Resources	August 3, 2010	Page 6, Line 43 - Delete "... when levees were improved to current levels." The levees were in significantly poorer condition in 1967 than they are now and, currently, only about 75% of the levee miles are at the minimum standard for agriculture (HMP).
California Department of Water Resources	August 3, 2010	Page 7, Line 8 - Change "Flood Control" to "Delta Levees Maintenance." The Flood Control Subventions Program operates outside of the Delta.
California Department of Water Resources	August 3, 2010	Page 30, Line 25 - Change "scant" to "limited" - This section is discussing the performance of levees under seismic loading. Scant implies there is insufficient information or experience to know how levees will perform. There are a number of historic cases of levee deformation and failure under seismic loading. (Moss Landing embankment failure during Loma Prieta earthquake in 1989 & the failure of the sea wall during the Kobe earthquake in 1995, among others).
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - It is not clear what this table is trying to convey. The headings, including "Habitat", "Infrastructure", and "Populated" need to be defined.
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Class 2 Proposed design criteria: Delete the editorial modifier "Steep" in two locations as it is not a required part of the criteria
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Class 3 through Class 9 Delta Levee Suitability - Habitat: Change N/A to [a check] since the levee described (PL84-99 (DS), etc.) is suitable to protect some types of habitat.
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Class 6 through Class 9 Delta Levee Suitability - Agriculture: Change N/A to [a check] since the levee described provides suitable protection to agriculture
California Department of Water Resources	August 3, 2010	Page 31, Table 4-1 - Add entry and/or make reference to Suisun Marsh levees
California Central Valley Flood Control Association	August 3, 2010	The Interim Plan overstates levee construction's role in separating land and water, claiming that historically "water and land mixed freely across virtually the entire Delta." That statement is NOT TRUE! Most Delta levees were built upon natural banks high enough to keep out the daily tides. These natural banks were created by the deposition of sediment during high flow events, and prior to reclamation the daily tides did not inundate the local islands. As evidence, the Federal Government made detailed surveys of the Delta islands and identified them not as tidelands, but as Swamp and Overflowed Lands, and during the 1800s prepared maps demonstrating these findings. Prior to levee construction, the Delta island interiors were generally inundated only during seasonal high stream flows that topped the banks.
California Central Valley Flood Control Association	August 3, 2010	The Draft Interim Plan selectively cites statistics suggesting the Delta levees are in particularly poor condition. Contrary to the impression conveyed by the Interim Plan document, the levees are generally in good condition. and the risk of levee failure has been steadily decreasing during recent decades. These improvements are in large part due to the establishment of the Delta Levee Maintenance Program (commonly referred to as the Subventions Program) in 1973 and the Delta Levees Program in 1988.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	Earthquakes have been cited as a substantial risk to Delta levees, with predictions of a major quake being likely sometime in the next few decades. However, the Interim Plan has so many references to seismicity that other, more common risks seem to be given inadequate consideration. There has never, in the 160-plus years of managed flood protection and control in the Delta, been a documented failure of a levee due to an earthquake...Modeling of the Delta levees' sensitivity to earthquakes has shown that quake-induced liquefaction can cause-levee slumping. The history of Delta Levees. however, does not suggest a widespread series of catastrophic failures; and further modeling would need to be done that considers how liquefaction in a levee would actually function during a large-magnitude earthquake in the Delta. A complete assessment would also account for the practical steps that can be implemented to repair observed earthquake damage in the-immediate aftermath of a quake. Given these uncertainties, the short-term focus for levees (at least during the Interim plan period) must not be on earthquake-proofing, but on reducing the risk of failures due to the continuing threat of floods.
California Central Valley Flood Control Association	August 3, 2010	And of course there is an urgent need for ongoing Delta levee maintenance, rehabilitation, and improvement to insure eligibility for federal disaster relief. The Interim Plan can help with this by identifying opportunities and methods for increasing overall levels of funding for levee maintenance and improvements, improving reliability and timeliness of bond payments, and reducing regulatory roadblocks to levee maintenance and improvements.
California Central Valley Flood Control Association	August 3, 2010	The California Legislature recognized the need to evaluate these levees as a system when it passed legislation in 2007 requiring the development of the Central Valley Flood Management Planning Program (CVFMPP), which is a valley-wide (including the Delta) determination of what the flood protection and control system currently is and management actions that should be followed in the future. The Interim Delta Plan should not attempt to predetermine or direct the outcome of this effort, but rather recognize the CVFMPP process as the defining element of the future flood protection and control system throughout the Central Valley and Delta.
California Central Valley Flood Control Association	August 3, 2010	Flood Protection Is Paramount. A message too often lost in the Delta planning process is the fundamental significance of flood protection and control...The levees must be recognized for what they are: the highest public priority for all who live in the Delta or depend on it for their livelihood. In order to achieve the co-equal goals, the Interim Plan and Delta Plan must recognize flood protection as a priority that must be maintained to protect people, property, infrastructure, habitat, and conveyance.
California Central Valley Flood Control Association	August 3, 2010	No Reduction in Flood Control Capacity. The final Interim Plan (and ultimately. the Delta Plan itself) is intended to govern the process for recommending a suite of actions. projects and programs, some of which have a very high potential to interfere with the flood protection and control system. The Plan must therefore include a strong commitment to mitigating any and all such impacts. In general, higher water levels along a floodway will require higher levees, and changes in hydraulics will require increased armoring...The funding to implement such mitigation should not come from the adjacent communities. but should be part of the habitat restoration project cost. This approach is inherent in the Central Valley Flood Protection Board requirement to prepare hydraulic modeling of the effect of vegetation plant ings in-stream and along levees. A permanent fund should also be established, again as part of the project cost, to maintain the levee improvements necessary for mitigation.

Matrix 12 Comments related to Reduction of Risks

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	First, the plan should emphasize that habitat-related projects should incorporate plants that will help provide bank stability near levees, albeit without encroaching into the clearance area designated by the Corps vegetation policy or impacting channel now characteristics. Second, the Council should actively engage in the discussions among various Federal, State and local interests to influence a new, sound policy (variance) for California levees. Additionally, the Council needs to recognize that Corp vegetation policy is only one of dozens of potential federal policy guidelines, such as encroachments and levee penetrations, affecting levees and flood facilities in the Delta and the rest of the Central Valley and develop an appropriate strategy for dealing with these issues.
California Central Valley Flood Control Association	August 3, 2010	The Interim Plan should expressly prioritize evaluating all potential actions, projects and programs for ways to incorporate integrated flood protection and control enhancements...the Council should ensure that every action, project or plan it approves or undertakes use the same multi-objective requirements that levee projects are required to achieve. This would mean that all projects approved, including habitat restoration projects, incorporate some incremental improvement to the flood protection and control system, just as levee projects have been required to incorporate improvements to the environment in order to be considered for approval...The plan should prioritize making appropriate sediment, rock and other materials available to local maintaining agencies without cost.
California Central Valley Flood Control Association	August 3, 2010	...the plan should strongly recommend increased funding for maintenance, operation, repair and rehabilitation of Delta levees. preferably under the existing Delta Subventions Program. However, the Council should investigate ways it can improve the timely delivery of funding reimbursements to local agencies so they can avoid a recent trend of having to float loans and interest payments for up to two years. An ability to streamline and improve the reimbursement with voter approved bond funds will maximize the use of local and state funds for levee improvement work ...The Department of Finance's inability to efficiently and completely release these funds is actively thwarting the voters' will...The most glaring example is with the Special Projects...Because the promised funds are not being released in a timely manner, local districts are forced to use their limited annual maintenance budgets to pay interest on the short-term bank loans they took out to initiate projects.
California Central Valley Flood Control Association	August 3, 2010	Leverage Federal Financing. Non-project levees ...only become eligible for Federal emergency funds (PL84-99) once they pass an initial inspection assuring they meet the Corps's engineering, maintenance and qualification criteria. Once upgraded to PL 84-99 and active within the program, flood damage to these levees is eligible for repair using federal funding. The potential for upgrading non-project levees to meet these criteria should be an important long-term consideration in the Delta Plan when considering actions. projects and programs.
California Central Valley Flood Control Association	August 3, 2010	The Interim and Delta Plan should identify clear chain of command, who pays for what, coordination of response and funding, and cooperative effort to pursue federal reimbursements for recovery. Consideration of any new conveyance and habitat restoration projects in the Delta Plan should ensure any impacts to flood conveyance or levee integrity are fully mitigated- and upgraded (armored, raised, widened) whenever possible to make them resistant to flood and earthquake events.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	Best Available Science/Transparency. The Draft Interim Plan detail is the need to rely on the best available science in making decisions. In determining what science is the "best available" in the context of flood protection and control, it will be imperative utilize the practical expertise of the engineering professionals and firms that have practiced in the Delta for decades and have a solid understanding of both the controlling technical principles as well as the site-specific contexts in which flood protection and control operations actually occur.
California Central Valley Flood Control Association	August 3, 2010	The plan should also state that all modeling and assumptions will be made available to the public as early in the process as possible. Transparency will enable the public to follow and review the technical basis for the Council's decisions, and the Council will benefit from enabling third-parties to provide substantive critiques and peer review.
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Accurate historical description of environmental effects of levees
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Recognize the success of Delta Levees Program in reducing frequency of Delta levee failures in last couple of decades
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Identifying opportunities and methods for increasing overall levels of funding for levee maintenance and improvements, improving reliability and timeliness of bond payments, and reducing regulatory roadblocks to levee maintenance and improvements
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Do not pre-empt flood management recommendations of the CVMPP to be released in 2012
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Recognize flood protection as priority for all decisions, projects, and policies adopted and/or approved by the Council
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Require establishment of permanent funding mechanisms (including long-term maintenance) for mitigation of any changes in water elevations and changes in water hydraulics for projects that are detrimental to effective flood control system by proponents of any actions, projects and programs in the Delta
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Actively engage in discussions among various Federal, State, and local interests regarding the modification of the Corps' levee vegetation policy
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Require habitat, recreation, water supply, and transportation projects in the Delta to include flood protection and control enhancements as part of their multi-objective
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Make sediment, rock, and other materials created by water conveyance and habitat restoration projects available to local levee maintaining agencies at no cost
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Process for improving timely delivery of bond money for reimbursement payments for projects implemented under the Delta Levees Program
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Leverage federal funding for upgrading non-project levees to PL 84-99 standards
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Develop protocols for responding to emergency flood events and clean-up and recovery after event
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Use extensive in-Delta engineering expertise to develop and peer review " best available science"

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
California Central Valley Flood Control Association	August 3, 2010	Specific Recommendations for Interim and Delta Plan: Make all modeling and assumptions/criteria available to the public prior to finalizing or approving projects and programs in the Delta
Central Delta Water Agency	August 3, 2010	Subsidence should not be generalized. There are specific locations where subsidence is a problem. Even on the islands in the western Delta with deepest peat soils there are areas where there is no remaining peat and no subsidence. In much of the Delta subsidence is not an issue.
Central Delta Water Agency	August 3, 2010	Aging of levees is typically beneficial in that consolidation of compressible foundation soils increases with time and th further addition of soil to the levee section. Massive levee failures during wet periods should not cause detrimental salinity intrusion into the Delta and the difficulty in repair is greatly overstated.
Central Delta Water Agency	August 3, 2010	Delta flood risks have in our view been overstated. There will be occ.asionally levee failures however, Delta levees have been increasingly improved during and since the 1980's. Numerous weak spots failed and were repaired and substantial efforts to mitigate the risk were initiated after the 1986 floods.
Contra Costa County	August 3, 2010	Page 29 states that the DSC, in consultation with the Central Valley Flood Protection Board is to recommend in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and non-project levees. Of the potential levee classifications under development shown in Table 4-1, none of the classifications identify the levees that support through-Delta conveyance as infrastructure. This table implies the only levee class suitable for protecting infrastructure is an urban levee. The levees that convey water from the North Delta to the South Delta for export are all located in areas with agricultural land use. The following text should be added to Page 29 that describes the DSC intent to include in the Delta Plan a levee class for this infrastructure...Delta Conveyance Channels: The western Delta islands, Victoria Island and other central Delta islands are in strategic geographic locations and protect the state's water supply. Their location, size and shape prevent salinity intrusion, protect the Mokelumne Aqueduct and afford Contra Costa Water District, State Water Project and Central Valley Project access to relatively fresh water. These non-urban islands are preserved by local reclamation districts. Failure of the levees would not only affect the farms, roads, railroads, and pipelines located on these islands, but also the water supply reliability and water quality for over 23 million Californians. It will be many years before an isolated conveyance facility could begin operation so securing the existing configuration of these islands needs to be a top levee investment. A specific approach to protecting these islands needs to be developed that acknowledges services and values they support.
Delta Counties Coalition	July 2, 2010	It will be critical for the Interim Delta Plan to closely coordinate work with that of the Central Valley Flood Protection Board (CVFPB) because of the existing flood risks in the Delta and the immense negative impact of inattention to these issues. The number of levees and other flood control facilities in the Delta makes coordination of both plans key to water management success in the region.
Delta Counties Coalition	July 30, 2010	The Delta Plan should coordinate with all other ongoing related efforts including but not limited to the Central Valley Flood Protection Plan, the Bay-Delta Conservation Plan and the Delta Islands Levees Feasibility Study.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
Delta Counties Coalition	July 30, 2010	...the Interim Plan should: Preserve the Delta Levee Maintenance Program...Recognize that different levels of flood protection and levee structural integrity are appropriate for different land uses...Fund the State Subventions Program at higher levels (with a multi-year funding commitment) and expedite the process for reimbursement to make this program workable...Promote and maintain ongoing pre-placement of emergency rock stockpiles for levee repair is vital.
Delta Counties Coalition	July 30, 2010	The Interim Delta Plan should provide for coordination between DWR, FEMA and relevant local agencies, including the counties relative to levels of flood protection for Legacy communities to allow those communities to have economic sustainability.
East Bay Municipal Utility District	July 28, 2010	A long term strategy for levee investment is critical, and must be based on a comprehensive risk assessment...The Council should maintain current state levee programs, including both Special Projects and Subventions, and at the same time initiate an evaluation of the effectiveness of those programs.
East Bay Municipal Utility District	July 28, 2010	...the Council should continue to support levee improvements that are ongoing through the Special Projects Program and Delta Levee Subvention Program administered by the Department of Water Resources...
East Bay Municipal Utility District	July 28, 2010	Emergency preparedness actions should be added to the Interim Plan.
Environmental Defense Fund	May 12, 2010	Levee reliability and emergency response:...The Council has the responsibility to pursue two courses of action - one to prioritize a long term for levee repair and one to respond in the event of an outage...It is critical that these efforts proceed with all due speed as many of the Delta's levees are indeed vulnerable.
Resident RD 999	July 1, 2310	LETS BE HONEST HERE. THIS IS ABOUT WATER. THIS IS ABOUT MOVING WATER. MOST OF THE WATER MOVED. THE GREATEST PERCENTAGE OF IT IS FROM SHASTA AND OROVILLE DAMNS. THAT ACTION OF CONVEYANCE. MOVING WATER THROUGH THE DELTA TO PRIMARILY PLACES LIKE WESTLANDS WATER DISTRICT AND METROPOLITAN WATER DISTRICT WAS FORCED UPON PEOPLE IN THE DELTA THE WATER IN THOSE DAMNS PREVIOUSLY CAME DOWN THE RIVER IN THE WINTER OF WHICH OVER 80 PERCENT OF IT WENT INTO THE BYPASS TO PREVENT FLOODING OF OUR STATE CAPITAL AND THE DELTA IF YOU LOOK IN THE SACRAMENTO BEE THIS MORNING YOU WILL SEE THE COMBINED INFLOW INTO THOSE DAMNS TODAY IS JUST OVER 9800 CUBIC FEET PER SECOND THE COMBINED OUTFLOW BECAUSE THEY ARE RUNNING THE PUMPS AT BANKS AND TRACY IS 29588 CUBIC FEET PER SECOND. THAT IS MORE THAN 3 TIMES WHAT THE FLOW OF THE SACRAMENTO RIVER HAS BEEN THIS TIME OF YEAR FOR THE LAST OH LETS SAY THOUSANDS OF YEARS...WE IN THIS DISTRICT NOT ONLY UNDERSTAND WHAT A SLUFF IS BECAUSE WHEN JUDGE WANGER SAYS STOP THE PUMPS AND THE FLOW IN THE RIVER DROPS BY 2/3 RDS WE SEE THE SLUFFS HAPPEN. TO BE GOOD STEWARDS SOMEONE HAS TO BE RESPONSIBLE. I AM LOOKING AT YOU TO MAKE SURE THE APPROPRIATE PEOPLE HAVE CONCEQUENCES FOR THEIR ACTIONS THAT EFFECT THE DELTA.
North Delta Water Agency	May 12, 2010	We strongly support the proposal in the preliminary draft outline to "continue levee subvention program." However, we hope the discussion of how to coordinate and integrate flood protection planning efforts with Delta restoration efforts will be elevated above emergency preparedness and dispel the myth that Delta levees are fragile and prone to massive failure. The Council needs to be the entity to integrate the BDCP and Delta flood management efforts, particularly with the Central Valley Flood Protection Plan.

Matrix 12 Comments related to Reduction of Risks

Association	Date	Comment
Reclamation District 999	August 3, 2010	The statement that "most Delta islands have flooded at least once" appears to be an incorrect generalization, and if it is correct, it requires a legitimate citation. (2nd Draft ISP, p. 8.) Moreover, if the condition of the levees is so perilous that major new water facilities are necessary, what is the constructive strategy to improve the levees?
Reclamation District 999	August 3, 2010	Thus, the Early Implementation of Delta infrastructure, particularly levee improvements, is critical to the actual protection of the Delta. (2nd Draft ISP, pp. 29-32.) Though levee failure is described throughout the Plan as a threat, solutions are largely left undescribed.
Reclamation District 2068	May 12, 2010	Strongly support the proposal in your preliminary draft outline to "continue levee subvention program."
River Islands at Lathrop	June 30, 2010	The draft IP declares that "Some past and pending development projects in the secondary zone are in locations that could compromise flood protection for existing Delta islands and residents by constraining floodways and limiting flood-fighting options." I respectfully request more specific information on the projects of concern to the Council.
River Islands at Lathrop	June 30, 2010	Land use in the Cosumnes/Mokelumne floodway and the San Joaquin/South Delta lowlands has been identified as needing "immediate strengthening." It is my understanding that the Delta Protection Commission is examining this and other land use issues as part of its study, as required by SBX7 1, of potential changes in the Primary and Secondary Zones of the Delta, which the Council will review...I respectfully request that no action be taken regarding the aforementioned floodway and lowlands until stakeholders have had a chance to review and comment on the commission's study and the Council's possible actions.
Restore the Delta	July 9, 2010	The Council also needs to see the emergency plan developed by the five Delta counties and mentioned at the workshop by Ron Baldwin of OES.
Restore the Delta	July 9, 2010	...a reasonable way to address short-, medium-, or long-term risks to levees is through robust support for existing cost-share programs like the Delta Levee Subventions Maintenance Program, which benefits from the incentive of Delta counties and reclamation districts to maintain levees.
Sacramento County Farm Bureau	August 1, 2010	Page 3... line 17. While subsidence may be a major problem in some parts of the Delta, the general statement that "...much of the Delta landscape has subsided as much as 25 feet below sea level..." is inaccurate and should be changed.
San Joaquin County	July 30, 2010	Best Available Science (Second Draft, page 22, lines 12-31) - The Delta Risk Management Strategy (DRMS) does not fit the Draft Interim Plan definition of "best available science", yet DRMS is referenced repeatedly in the document and is the basis for much of the conclusions contained in the Draft, with respect to levee failure and repair (or non-repair, depending on the location of the levee)...It is recommended that the reference to DRMS as "best available science" be deleted.
San Joaquin County FCWCD	July 2, 2010	The Council should not stand in the way of local Reclamation Districts as they put Proposition 1 E funds towards the use taxpayers intended they be used. The fortifying of Delta levees should be expedited without further complication. The notion of incorporating habitat improvements to levee projects is noble, but a moot point if levees cannot attain and maintain the PL84-99 Levee standard.
San Joaquin County FCWCD	July 2, 2010	The use of the Delta Risk Management Strategy findings and recommendations for any decision making process is suspect because the County believes that the Delta Risk Management Strategy contains significant technical flaws and is based upon errant assumptions.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
Solano County	July 1, 2010	It will be critical for the IDP to closely coordinate their work with that of the Central Valley Flood Protection Board (CVFPB) because of the existing flood risks in the Delta and the immense negative impact of inattention to these issues.
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Recognize and support the integrated and co-dependant levee system that exists throughout the Delta...
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Recognize that different levels of flood protection and levee structural integrity are appropriate for different land uses.
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Provide necessary levels of flood protection for legacy communities to allow those communities to have economic sustainability with reasonable growth in light of the restrictive aspects of the National Flood Insurance Program.
Solano County	July 30, 2010	Solano County encourages the Stewardship Council to note the following regarding levees: Develop and implement integrated flood planning, response and recovery programs with appropriate partnerships, funding streams, and regulatory reform to ensure appropriate and coordinated emergency response.
Solano County	July 30, 2010	Preserve the Delta Levee Maintenance Program
Solano County	July 30, 2010	Fund the state subventions program at higher levels (with a multi-year funding commitment) by expediting the process for reimbursement. Voter-approved funding exists to accomplish this through release of Prop 84 and 1 E funds.
Solano County	July 30, 2010	Develop state and local general fund and specialized sources of funding for flood protection; preserve and maximize Federal investment
Solano County	July 30, 2010	The CALFED Levee Stability Improvement Program is an avenue for federal financial aid for levee rehabilitation projects. Active, ongoing support of this Corps program is requested. The Corps has a Delta-wide list of projects and has begun implementing the first few projects this year. Active advocacy for continued funding of this project is important.
Solano County	July 30, 2010	Avoid one-size-fits-all approaches by adopting standards and funding for O & M that allow local managers an opportunity to prioritize the use of funds based on their expertise and knowledge of the deficiencies that create the greatest risks.
Solano County	July 30, 2010	Promote and incentivize flood protection benefits as part of environmental enhancement, water supply, recreation and other projects in the Delta.
Solano County	July 30, 2010	In relation to levees, ongoing pre-placement of emergency rock stockpiles for levee repair is vital. Where stockpiles exist to block waterways, there are no corresponding piles for levee breaches and there should be.
Snug Harbor Resorts	August 3, 2010	Page 3, line 30 to 33 regarding levee classification system used by the Delta Vision Strategic Plan, Table 4-1. Please note that the Delta Vision data regarding Delta levees references use of the data from DRMS Phase 1 Final Report, which is currently being corrected due to inaccurate Delta levee historical data used. It is suggested a line be added that only verified accurate Delta levee data be utilized prior to any final determination of actions.
Snug Harbor Resorts	August 3, 2010	Page 5, lines 3 and 4, please add "corrected" before the reference to DRMS

Matrix 12 Comments related to Reduction of Risks

Association	Date	Comment
Snug Harbor Resorts	August 3, 2010	Page 13, Map displaying various data regarding targeted islands of the Delta. Note that Ryer Island should show as the “red” color because the island has a residential population of 300 to 400 persons, not including the seasonal residents that are on the island more than 60 days per year generally. The current map color indicates 100 or less residents, which is incorrect.
Snug Harbor Resorts	August 3, 2010	Page 14 refers to sources of information including items 2 and 3. Please add the word “corrected” before the word DRMS.
State & Federal Contractors Water Agency	May 12, 2010	Lead the development of (in cooperation with DWR and the Army Corp of Engineers) a strategic emergency response levee improvement plan driven by a set of clear public benefit criteria. Prioritize expenditure of existing bond funds to implement immediate proactive levee improvements to reduce levee potential slumping along the Middle/Old River Pathway from liquefaction in a seismic event.
State & Federal Contractors Water Agency	May 12, 2010	Urge DWR in cooperation with the Army Corps of Engineers to develop a Strategic Levee Investment Plan for the Bay-Delta that includes a risk-based economic analysis...Such a plan should include the following: (i) Enhanced emergency preparedness for in-Delta communities (ii) Enhanced emergency preparedness to reestablish export and in-Delta water supplies after catastrophic levee failure (iii) Sea-level rise adaptation plan for in-Delta infrastructure and transportation corridors (iv) Prioritization for strategic levee investment and concomitant development of criteria defining funding obligations between beneficiaries; integrate with revised Central Valley Flood Protection Plan
State & Federal Contractors Water Agency	May 12, 2010	Identify Delta islands that should be targeted for subsidence reversal and identify implementing entities to develop the program and implementation plan.
State & Federal Contractors Water Agency	July 2, 2010	Page 16, section re: Levees: We concur with Delta Vision Strategic Plan Strategy 6.3 and urge the Council to immediately initiate the preparation of a comprehensive long-term levee investment strategy that is consistent with the level of protection provided and the uses of land enabled by those levees. Concurrent with the development of this categorization, we urge the Council to also develop criteria for the prioritization of funding to facilitate the earliest possible action on levees that are identified as its highest priorities within the investment strategy. With respect to public funding, we believe public funds should be applied to priority levee projects commensurate with public benefits provided and those levees implicating the greatest and highest priority public benefits should be carried out first.
State & Federal Contractors Water Agency	August 3, 2010	p.5, lines 28-30: the ability to repair massive levee failure and the need to use reservoir releases to reverse saltwater intrusion are both dependent upon where and when such a failure would occur, the water year type, etc, etc. While the sentence does say “could” it reads as more definitive than the assertions really should be considered.
West Sacramento, City of	August 2, 2010	No Reduction in Flood Control Capacity (policy obj. (f), (g) and (h)). The Second Draft (and ultimately, the Delta Plan itself) is intended to govern the process for recommending a suite of actions, projects and programs, some of which have a high potential to interfere with the existing flood control system. The Plan must therefore include a strong commitment to mitigating any and all such impacts. In general, higher water levels along a floodway will require higher levees, and changes in hydraulics will require increased levee armoring.

Matrix 12 **Comments related to Reduction of Risks**

Association	Date	Comment
West Sacramento, City of	August 2, 2010	Several recent proposals have been made that are of serious concern to the City: The first is the multitude of plans to install habitat and other mitigation projects within the Yolo Bypass. Vegetation along a floodway influences hydraulics and reduces water velocity.
West Sacramento, City of	August 2, 2010	Several recent proposals have been made that are of serious concern to the City: Another proposal of concern to the City is the potential to use the Deep Water Ship Channel as a floodway.
West Sacramento, City of	August 2, 2010	The funding to install such levee improvements should not only come from the City of West Sacramento, its residents, or the local districts that maintain the levees. Instead, costs should be covered as part of the particular projects that pose the heightened risk of flooding and by the state as state-wide benefits are identified. A permanent fund should also be established, again as part of the project cost, to maintain the needed flood control improvements with the Delta region.
West Sacramento, City of	August 2, 2010	Prioritize New Flood Control Improvements (policy obj. (f) and (g)). The Interim Plan should expressly prioritize evaluating all potential actions, projects and programs for ways to incorporate integrated flood control enhancements. Habitat, recreation, water supply, and transportation projects in particular provide significant opportunities for heightened flood control.
West Sacramento, City of	August 2, 2010	A related matter is that the suite of actions and plans ultimately approved under the Interim Plan will undoubtedly result in the movement and excavation of materials that could be invaluable in improving the levees. The plan should prioritize making appropriate sediment, rock, and other materials available to local maintaining agencies without cost.
West Sacramento, City of	August 2, 2010	...contrary to the impression conveyed by the Interim Plan document, the levees are generally in fairly good condition, and the risk of levee failure has been decreasing during recent decades. These improvements are in large part due to the establishment of the Subventions Program in 1973 and the Delta Levees Program in 1988.
West Sacramento, City of	August 2, 2010	It is the City's position that when vegetation is selectively chosen and incorporated into levee design, it can improve structural stability and reduce surface erosion. Proper vegetation can also reduce levee maintenance costs while providing habitat value.
West Sacramento, City of	August 2, 2010	There are two logical implications for the Interim Plan. First, the plan should emphasize that habitat-related projects should incorporate vegetation and other natural features that will help provide bank stability near levees, albeit without encroaching into the clearance area designated by the Corps vegetation policy. Second, the Council should monitor discussions among various Federal, State and local interests regarding whether to modify or grant regional and project specific variances from the vegetation policy.
West Sacramento, City of	August 2, 2010	...the plan should strongly recommend increased funding for maintenance, operation, repair and rehabilitation of levees, preferably under the existing Subventions Program. However, funding reimbursements should be more streamlined to help local agencies avoid loans and interest payments, and thus maximize the use of local and state funds for improvement work.
West Sacramento, City of	August 2, 2010	The potential for upgrading non-project levees to meet these criteria should be an important long-term consideration when considering actions, projects and programs.

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West Sacramento, City of	August 2, 2010	The Interim Plan details the need to rely on the best available science in making decisions. In determining what science is the "best available" in the context of flood control, it will be imperative to strongly consider the practical expertise of the engineering professionals, local flood agencies and firms that have practiced in the Delta for decades and have a solid understanding of both the controlling technical principles as well as the site-specific contexts in which flood control operations actually occur.
West Sacramento, City of	August 2, 2010	Page v - 16 - Preparation of a proposal to coordinate flood and water supply operations of the State Water 17 Project (SWP) and the federal Central Valley Project (CVP), for which DWR has lead responsibility with special emphasis on coordination with local flood control agencies and local government. - 18 -Council review of the report of the Delta Protection Commission (DPe) regarding potential changes 19 in the Primary and Secondary Zones of the Delta, in light of the coequal goals and the mandates of 20 the Act
West Sacramento, City of	August 2, 2010	Page vii - 264. Current levee system integrity. All uses of the Delta require a certain levels of protection against 27 river flooding, sea level rise, and earthquakes that increase the level of public health and safety...325. Map of planned Delta land uses. One of the primary goals of the Act is to achieve more effective 33 integration of land use policies in the Delta, that incorporate sustainable communities strategies and alternative planning strategies for land use.
West Sacramento, City of	August 2, 2010	Page 5 - In general, higher water levels along floodways, new flood bypass options and habitat enhancement areas will likely have an impact on existing flood control capacities, and changes in hydraulics will likely require enhanced levee infrastructures. This will also provide an opportunity to increase recreational, habitat restoration, water supply and conveyance capacities that further encourage public use and overall support of the Delta ecosystem. Maintaining the current flood control capacity, evaluating all potential actions, and mitigating impacts to an integrated flood control system will require highly coordinated program development and implementation throughout the Delta region.
West Sacramento, City of	August 2, 2010	Page 6 - While the risk of levee failure within the Delta has been decreasing during recent decades due to the establishment of the State of California Subventions Program in 1973 and the Delta Levees Program in 1988, and some communities have never seen a levee failure, 42 ~many Delta islands have flooded at least once. There were 31 levee failures in the legal Delta 43 between 1967, when levees were improved to current levels, and 2004, somewhat less than an
West Sacramento, City of	August 2, 2010	Page 7 - 3 • Most Many of the Delta levees do not meet the FEMA definition for 100-year flood protection (per the 4 National Flood Insurance Program).
West Sacramento, City of	August 2, 2010	Page 9 - 38 - The federal agencies agreed in a December 2009 Interim Federal Action Plan for the California Bay- 39 Delta to coordinate the federal efforts to address ecosystem restoration with the state agencies. USACE issued the Vegetation Policy for Local Flood Damage Reduction Systems in April 2007 to keep local flood protection systems free of vegetation because vegetation can impact reliability, inhibit inspections and the ability to perform a flood fight, and interfere with levee maintenance. Later in July 2010, the USACE developed a vegetation variance policy allows levee maintaining agencies to request that trees remain on levees where they don't threaten public safety, levee integrity or levee system reliability.

Matrix 12 Comments related to Reduction of Risks

Association	Date	Comment
West Sacramento, City of	August 2, 2010	Page 15 - 29 - Preparation of a proposal to coordinate flood and water supply operations of the State Water 30 Project (SWP) and the federal Central Valley Project (CVP) (Section 85309), for which DWR has lead 31 responsibility with special emphasis on coordination with local flood control agencies and local government.
West Sacramento, City of	August 2, 2010	Page 16 - 8 - Review and approval of Proposition 1E expenditures for selected projects (Section 83002 (a)(II)) not already funded or completed under the proposition 1E program.
West Sacramento, City of	August 2, 2010	Page 19 - 85305. (a) The Delta Plan shall attempt to reduce risks to people, property, and state interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments. (b) The council may incorporate into the Delta Plan the emergency preparedness and response strategies for the Delta developed by the California Emergency Management Agency pursuant to Section 12994.5.
West Sacramento, City of	August 2, 2010	Page 29 14 All uses of the Delta require a certain level of protection against river flooding, sea level rise, and 15 earthquakes. The Interim Plan must ensure public health and safety as well as progress toward congruence between the uses and...